United Nations S/PV.6041

Security Council

Sixty-third year

Provisional

6041st meeting

Friday, 12 December 2008, 10.25 a.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Belle
	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Weisleder
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Gouider
	Panama	Mr. Suescum
	Russian Federation	Mr. Rogachev
	South Africa	Mr. Maqungo
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994

Letter dated 21 November 2008 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2008/729)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-64445 (E)

Letter dated 21 November 2008 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2008/726)

The meeting was called to order at 10.25 a.m

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 21 November 2008 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2008/729)

Letter dated 21 November 2008 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2008/726)

The President: I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, Kenya, Rwanda and Serbia in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the Council, I extend a warm welcome to the Minister of Justice and Attorney General of Rwanda, His Excellency Mr. Tharcisse Karugarama.

At the invitation of the President, Mr. Karugarama (Rwanda) took the seat reserved for him at the side of the Council Chamber; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Judge Patrick Robinson, President of the International Criminal Tribunal for the Former Yugoslavia; Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda; Mr. Serge Brammertz, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia; and Mr. Hassan Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

It is so decided.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the following documents: S/2008/729, containing the text of a letter dated 21 November 2008 from the President of the International Criminal Tribunal for the Former Yugoslavia addressed to the President of the Security Council; S/2008/726, containing the text of a letter dated 21 November 2008 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council; S/2008/515, containing the note by the Secretary-General transmitting the fifteenth annual report of the International Criminal Tribunal for the Former Yugoslavia; and S/2008/514, containing a note by the Secretary-General transmitting the thirteenth annual report of the International Criminal Tribunal for Rwanda.

At this meeting, the Security Council will hear briefings by the President of the International Criminal Tribunal for the Former Yugoslavia, the President of

the International Criminal Tribunal for Rwanda and the Prosecutors of the International Criminal Tribunals for the Former Yugoslavia and Rwanda.

I now give the floor to Judge Patrick Robinson, President of the International Criminal Tribunal for the Former Yugoslavia.

Judge Robinson: I am indeed honoured to address this distinguished body for the first time in my capacity as President of the International Criminal Tribunal for the Former Yugoslavia (ICTY). Mr. President, may I also congratulate you on your assumption of the presidency of the Security Council and say that I am particularly honoured to address the Council during your tenure, given the importance of the Tribunal's work for your country.

The Tribunal has continued to work vigorously and diligently since the last reporting period. As a result, we are now close to completing our mandate. We have nevertheless experienced delays owing to a number of circumstances beyond our immediate control. First, delays have resulted, and further delays may be expected, from the late arrest of fugitives. In that regard, I refer to the case of Stojan Župljanin, a recently arrested fugitive whose case was found suitable for joinder with that of Mićo Stanišić. Although the joinder of those cases has had the positive effect of cutting the costs of running the Župljanin case as a separate trial, it has also delayed the start of the Stanišić trial, which was trial-ready at the time of Župljanin's apprehension.

Another example is the case of Vlastimir Đorđević, who was still at-large when the multi-accused trial of Milutinović et al began, in 2006. If Đorđević had been surrendered earlier, he could have been tried with his six co-accused. Now he must be tried alone, and dozens of witnesses will have to be brought back to the Tribunal to give evidence again in his case. On the basis of steps taken by the Tribunal, it is now expected that that trial may start as early as 15 or 16 December 2008.

If the fugitive Mladić is arrested now, his case may be joined with that of Karadžić; but that joinder would invariably delay the start of the Karadžić trial, which is currently being prepared for trial. On the other hand, any further delay in Mladić's arrest will likely result in the need for separate trials.

The case of Goran Hadžić, the other remaining fugitive, is not earmarked for joinder with any other case. An important consideration that the Council should be aware of is that, if he is arrested now, the Tribunal could avoid the need of retaining the capacity of trying a high-level accused in the Tribunal's residual mechanism. I must emphasize to the Council that the impact of late arrests on the orderly conduct of the Tribunal's business should not be underestimated. I therefore urge the international community to focus its efforts on securing the immediate arrest of the remaining fugitives as a matter of urgency, in accordance with the obligations of States under article 29 of the Tribunal's Statute. The international community must recognize the risks posed to international justice if those fugitives are not apprehended and brought to justice.

Other delays in trials have resulted from unforeseen circumstances. An illustration of that is the rendering of judgement in the Milutinović et al case, which was initially scheduled for September 2008 but will now be delivered in February 2009. While it is regrettable that the anticipated date of delivery of judgement in that case will not be met, it has to be borne in mind that estimation of the length of a trial, including the delivery of a judgement, is more an art than a science. My consultations with the presiding judge on that particular multi-accused case indicated that the delay arose from the difficulty of issues to be resolved and the concern that the hectic pace of the deliberations would impact on the fairness of the trial. That hectic pace resulted from the exigencies of the Tribunal's completion strategy. However, the completion strategy, while requiring the Tribunal to complete its cases as expeditiously as possible, does not anticipate that principles of fair trial and the rights of the accused should therefore be sacrificed. In that regard, I wish to thank the members of the Security Council for granting an extension of resolution 1800 (2008).

While the delays generated by those matters are cause for concern, it is important to bear in mind the Tribunal's remarkable achievements to date, which far surpass those of any other international or hybrid court, both in respect of the number of accused tried and in its contribution to the development of international criminal law. Of the 161 persons indicted, proceedings have been fully concluded against 116 of them. Considering the complexity of our cases, the breadth of

our indictments and the large number of victims and witnesses, the completion of such a high number of cases since the establishment of the Tribunal by the Security Council is a clear demonstration of the efficiency of the Tribunal's proceedings and of its steadfast commitment to the completion of its mandate. At this point, only five cases remain to be started, four of which involve late arrests, namely, those of Tolimir, Đorđević, Župljanin and Karadžić. The fifth case, that of Stanišić and Simatović, has been delayed owing to the ill-health of one of the accused.

In terms of judicial activities, we are currently running seven trials simultaneously in our three courtrooms, with our eighth trial, that of Đorđević, scheduled to begin on 15 or 16 December. Those trials involve a total of 27 accused, with judgement anticipated to be rendered shortly in the case of Milutinović et al, which involves six accused.

As detailed in the report, the Tribunal has continued to proactively seek new solutions to ensure the speedy completion of trials in full compliance with standards of due process. For instance, in order to take advantage of a gap in the trial schedule after the proceedings in the Stanišić and Simatović case had to be adjourned in May 2008, we commenced the Lukić and Lukić trial in its place on very short notice and, exceptionally as President, I am presiding over the proceedings in that case.

The efficiency of the International Tribunal's proceedings is also the result of the steadfast commitment of its Judges and staff. Court hearings at the Tribunal run from 8.30 in the morning to as late as 7.10 in the evening. In that respect I would like to make special mention of the extraordinary sacrifice made by some Judges who, owing to the exigencies of the completion strategy, are obliged to sit on two cases at the same time. They are usually ad litem Judges. But there is one permanent Judge who is presiding over two very complex cases at the same time. These Judges sit on one case from 8:30 a.m. to 1:45 p.m. and then on a second case from 2:15 p.m. to 7:00 p.m. with less than half an hour for lunch. Given their long hours sitting in court, other judicial work must be completed late into the evening and over the weekends. Moreover, owing to the long court hours, these Judges have little to no opportunity to attend to their personal matters during the day. The overall impact on the Judges of having to sit in court close to ten hours a day does take its toll but these Judges and others before them have taken on this responsibility with professionalism and enthusiasm and their commitment should be fully acknowledged as exemplifying remarkable dedication to the work of the Tribunal.

A number of other Judges are actively engaged in completing a trial in one case, while preparing another case for trial. This is a demanding workload that demonstrates their commitment to meeting completion strategy targets. The international community owes a huge debt to these Judges and their staff, who clearly place the needs of the International Tribunal and the dictates of the completion strategy far beyond their own comfort and their entitlement to reasonable working hours.

While we have achieved unparalleled efficiency in the conduct of our proceedings, these results can only be maintained by a proactive retention policy for key staff, which has been lacking so far. The examples I have just given you of the hard work and commitment of our teams demonstrate how important it is that we keep our most dedicated Judges and staff in order to maintain the high standards we have set. But I must stress that we have to remain vigilant that the closing stages of the Tribunal do not witness a diminution of the high standards we have set over the years. There is a real danger that, if measures are not taken now to provide staff with incentives to remain at the Tribunal in its closing stages, we may lose our highly and uniquely qualified legal staff. I therefore ask you to help me ensure that we maintain our commitment to the work of the Tribunal, which we must all finish together.

Another important matter that I intend to pursue and strengthen during my tenure is that of partnership with local judiciaries. As you will know, a key component of this cooperation was the referral of 13 accused to jurisdictions in the former Yugoslavia, ten accused having been transferred to Bosnia and Herzegovina, two to Croatia and one to Serbia. Pursuant to rule 11 bis, the Referral Bench continues to monitor referred cases and is thus far satisfied that they are being conducted in full compliance with international norms of due process.

I note that the Appeals Chamber ultimately decided not to refer one case, that of Lukić and Lukić. The history of that case is, in my view, a splendid example of the system for the administration of justice at the Tribunal working efficiently and fairly. First, the

case was sent to the Referral Bench to determine whether the accused were at the level to warrant their case to be referred to local courts. This is required by Security Council resolutions 1503 (2003) and 1534 (2004). The Referral Bench determined that the case should be referred but one of the accused appealed that decision, arguing that he was of too senior a level for his case to be referred to the local courts and that he should be tried at the Tribunal. That appeal was allowed and his trial is now taking place.

The Tribunal is also actively involved in capacity-building efforts in the former Yugoslavia, focusing on a number of key areas, including the facilitation of trial coverage by the local media, direct community outreach by its officers on the ground and capacity-building efforts with national judicial institutions addressing war crimes. For example, our local offices have organized training programmes, which, while directed primarily towards lawyers, have also targeted other professionals involved in war crimes proceedings, including witness support staff. Very recently, several Judges met in Belgrade with their counterparts from domestic jurisdictions and shared their expertise in trying war crimes cases.

Additionally, we have undertaken a number of projects that seek to identify best practices that may serve other domestic or international criminal justice institutions handling complex war crimes proceedings. The first such project consists of a compilation of our best practices, undertaken with the assistance of the United Nations Interregional Crime and Justice Research Institute; these will be published and disseminated shortly. We are also working in cooperation with the Organization for Security and Cooperation in Europe to assess our current outreach activities and training programmes in the former Yugoslavia to identify best practices. The objective of this assessment is to facilitate the creation of capacity-building programmes that meet the needs of domestic courts addressing war crimes cases.

All of these initiatives are part of our efforts to ensure that the long-lasting legacy of our work will continue to grow in importance as we near completion of the cases on our docket. Another increasingly urgent matter is the devising of an appropriate mechanism to address residual issues following the completion of our cases. That, as the Council knows, is a key issue currently on the agenda of the Security Council Working Group on Ad Hoc International Tribunals. In order to assist the Working Group in this complex task, the Tribunals issued a joint report in September 2007, followed by a number of additional clarifications, and invited the Working Group to visit the premises of the Tribunal and meet with the its Judges and staff. This visit provided the members of the Working Group with the opportunity to gain important insights into the daily work of the Tribunal and to hear the recommendations of Judges and staff on the nature and functions of the future residual mechanism. The members of the Working Group met not only with senior staff but also with Associate Legal Officers in order to truly get a feel for the daily work of the Tribunal.

I represent an institution that, as the first international tribunal since the International Military Tribunals of Nuremberg and Tokyo, has been the most significant actor in the development of international criminal law and the enforcement of international humanitarian law. At the procedural level it has judiciously used its rulemaking power to devise a comprehensive framework of rules of procedure and evidence that have already become the template for use in other kindred tribunals. Those rules achieve the twin objectives of expeditiousness and fairness. At the substantive level the Tribunal has, more than any other body, contributed to the development of a corpus of law that has eliminated impunity and entrenched the doctrine of individual criminal responsibility in the field of international criminal law.

Few would have imagined, only twenty years ago, that it would have been possible to bring before an international tribunal high-level individuals, including heads of State, accused of the most heinous crimes. I represent a court that has tried more persons for breaches of international humanitarian law than any other judicial body. I also represent an institution that, conscious of its responsibilities to the region, has worked strenuously to ensure that local judiciaries have the capacity to try war crimes cases in accordance with the highest international standards. I therefore represent an institution that can be justifiably proud of its achievements.

Nonetheless, I address the Council today humbled by the magnitude and complexity of the pioneering role of the Tribunal and deeply concerned that, as the Tribunal's work draws towards its final stages, it should remain sufficiently resourced to discharge its mandate. I therefore implore you today, members of the Security Council and of the

international community: Give the Tribunal the support it needs to enable it to discharge its historic role.

The President: I thank Judge Robinson for his briefing.

I now give the floor to Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda.

Judge Byron: This is the tenth time that the President of the International Criminal Tribunal for Rwanda (ICTR) has had the honour of addressing the distinguished members of the Security Council for the presentation of the Tribunal's report on its completion strategy. I am grateful for the opportunity to inform you about our achievements during the last six months and the challenges ahead of us.

I am happy to report that the majority of the projections I made in June 2008 have been realized. By the end of the year, four judgements will have been delivered — three single-accused cases and one multi-accused case. In addition, we have delivered four decisions on requests for referrals to national jurisdictions and one more will be rendered later in December.

Trial Chamber I focused on drafting the judgement in the huge and complex case involving four military leaders, *Bagasora et al.* That judgement will be delivered on 18 December. The Chamber also rendered two decisions denying requests for referral under rule 11 *bis*. In addition, judgements in the *Renzaho* and *Nsengimana* cases will be delivered in the first part of 2009. The completion of the evidence phase in the *Setako* case is scheduled for May.

As projected, Trial Chamber II closed the evidence in three multi-accused cases, *Butare*, *Military II* and *Bizimungu*, involving in total some 14 accused. Unforeseen legal complications make it necessary that in *Butare* and *Military II* some witnesses will be recalled in early 2009. However, that will not affect the scheduling for the signing of the closing briefs. The same trial bench that completed the evidence in *Military II* will deliver the judgement in *Rukundo* during the first part of 2009.

Trial Chamber III delivered judgements in the cases of *Nchamihigo* and *Bikindi*, and will rule in the *Zigiranyirazo* case on 18 December. In addition, it will have rendered two decisions on requests for referral by the end of this year. The progress of the fifth multi-accused case, *Karemera et al.*, was adversely affected by the deteriorating health of one co-accused, Mathieu Ngirumpatse, requiring him to stay in hospital and interrupting proceedings for several months. The Chamber is managing the procedural issues resulting from the medical problems and the trial is scheduled to resume in early February. The same bench that is hearing *Karemera* is also hearing the case of *Kalimanzira*. Only two trial weeks are remaining in that case and the evidence will be completed in the first week of February.

The preparation of each judgement requires long deliberations and other work done outside the court rooms, often including the need to respond to numerous interlocutory motions.

The Tribunal is facing a particularly challenging year in 2009. The workload ahead of us is greater than at any other point in the Tribunal's history. Proceedings may start in up to ten new cases, including five that could not be included in our planning when I addressed the Security Council in June. Our calendar has scheduled the evidence phase of all new trials to be completed before the end of next year.

The new cases include the trials of three accused arrested in 2007 and 2008, a retrial ordered by the Appeals Chamber and a contempt of court case. The main factor straining the capacity of the Tribunal is the denial of the Prosecutor's requests to refer one case to Norway and four cases to Rwanda for trial. These referrals have formed an integral part of the completion strategy. The Prosecutor of the ICTR continues to investigate the extent to which new requests for referrals can be pursued. In anticipation of his efforts, three trials have been scheduled later in the judicial calendar.

Instead of the decrease in workload that might have been expected as we move towards the completion of our mandate, we are now confronted with these ten new cases. At the same time, we are faced with the resignation of three judges, two permanent and one ad litem, by the end of 2008. Four additional judges — three permanent and one ad litem — have announced their intention to resign after the judgements in their current cases have been delivered. They are not available to take on new cases. It will therefore be critical to appoint at least four new ad litem judges to replace those seven judges who will not be available for new cases. Only three permanent

judges will remain to take on new cases. I have submitted to the Secretary-General a proposal for amendments of the Statute that will allow the Trial Chambers to be composed entirely of ad litem judges. I would respectfully ask the Security Council to consider this matter as a matter of utmost urgency in order to enable the Tribunal to begin hearing some of these new cases early in 2009.

In this context, I would like to reiterate my gratitude to the ad litem judges for their indispensable support to the Tribunal. Some of them have served for many years and on several cases concurrently. Their willingness to take on new cases in 2009 in addition to their current workload has been essential for the completion strategy, taking into account the anticipated unavailability of several permanent judges.

We want to achieve our goals, and the workload ahead makes it clear that business as usual is not an option. All three organs of the Tribunal — the Chambers, the Registry and the Office of the Prosecutor — are well aware of this and are closely working together. In particular, they are taking active steps to address staffing needs and to further develop tools for expediting proceedings while fully respecting the right of the accused to fair trials.

The Tribunal is grateful for the continued cooperation and assistance of Member States, on which it depends to fulfil its mandate. The long-standing issue of transferring convicted prisoners for the enforcement of their sentences is currently being addressed for a first group of convicts, following confidential orders. We are also grateful to have found a relocation State for one acquitted person. One more acquitted person remains in Arusha, and one convict will be released in December after having served his sentence. Both are awaiting a State willing to accept their relocation. The cooperation of the Council would be very much appreciated in this matter. In the reporting period, two accused arrested last year were successfully transferred to Arusha.

Unfortunately, no new arrests can be reported for the 13 fugitives still at large. As we approach the end of the Tribunal's mandate, I reiterate strongly my call upon Member States to cooperate fully with the Tribunal to ensure their arrest and transfer as soon as possible.

The final issue I would like to address is the Tribunal's legacy. Following the visit of the Security Council Informal Working Group in September 2008, we have been working closely with the Secretariat and our colleagues in The Hague to plan a cost-efficient and effective mechanism for discharging all necessary residual tasks after the end of the Tribunal's mandate.

On behalf of all of the staff in Arusha and Kigali, I would like to conclude by thanking the Security Council, the Secretariat and Member States for their support of our work. Our close cooperation shows that none of us, on the national and international levels, shall relent in our determination to deny impunity to those responsible for the atrocities committed in Rwanda in 1994. The end of the Tribunal's mandate must not send a signal to the perpetrators that they are safe from justice.

For our part, the Tribunal shall continue its efforts to improve the process and to make it as efficient as possible without compromising the principles of procedural fairness. Our efforts and the Council's cooperation and support demonstrate to the entire world that persons responsible for genocide or other grave violations of international humanitarian law will find no safe haven on Earth, no impunity, no evasion of fair trials and, when the evidence supports conviction, no escape from the punishment their horrendous crimes deserve.

The President: I thank Judge Byron for his briefing.

I now give the floor to Mr. Serge Brammertz, Prosecutor of the International Criminal Tribunal for the former Yugoslavia.

Mr. Brammertz: I am honoured to appear once more before the Security Council to present the report of the Office of the Prosecutor on the implementation of the Tribunal's completion strategy.

In my presentation, I will provide the Council with an update on the work of the Office of the Prosecutor in the following areas: the ongoing judicial proceedings, the cooperation of States, the interaction with prosecution services in the former Yugoslavia and organizational matters.

During the reporting period, prosecution work in trials and appeals has been intense. We are currently prosecuting 26 individuals in seven trials. Two fugitives — Ratko Mladić and Goran Hadžić remain at large. Their arrest today remains the highest priority.

To fulfil the mandate of the Tribunal, they must be arrested and brought to trial as soon as possible.

The cases that are now before the Tribunal are broad and complex. Bringing evidence forward to prove charges of the magnitude contained in our indictments is a substantial undertaking and in every case a major challenge. All cases involve senior political and military figures from the conflict in the former Yugoslavia. Several involve the prosecution of six or more political or military leaders. In one such case, the trial is awaiting judgement. In the two other cases, the prosecution phase is complete and the trial is well into the defence phase. These multiple accused trials can be considered as major achievements and vindication of the use of joinder as one of the key pillars of the Tribunal's completion strategy.

The appeals work in the Office of the Prosecutor continues apace. The Office is currently working on 10 active appeals cases. We expect a marked increase in our caseload in the second half of 2009 after the trial judgements of the multiple accused cases. By then, we expect to have an overall inventory of more than 23 appeals cases.

In the reporting period, my Office has also conducted a number of important contempt cases. My Office prosecuted individuals involved in the divulgation of information about protected witnesses and interference with protected witnesses.

We remain strongly committed to the Tribunal's completion strategy. In all cases before the Tribunal, we have taken steps to present cases more efficiently and expeditiously. We have reduced the scope of the criminal conduct charged, streamlined indictments and submitted evidence in written form, thereby reducing the amount of live witness testimony. We also continue to submit motions proposing to introduce evidence that has already been adjudicated in other trials. As a result, progress has been made in addressing the length of trials and in moving through the Tribunal's trial programme.

While trials and appeals are progressing, I remain concerned about the problems of witness interference, particularly in the form of witness intimidation, which directly affect our ability to present a case in an effective and timely manner. Where appropriate, we have addressed those concerns with the Registry and Chambers. I also ask States in which witnesses reside to continue assisting the International Tribunal in this respect. It is important to create a climate that is conducive for witnesses to testify, and provide the necessary guarantees to witnesses who decide to speak before the Tribunal.

In order to succeed in completing the trial and appeals programme, we still rely heavily on cooperation from the States of the former Yugoslavia and the support of the international community. Cooperation from the States of the former Yugoslavia remains critical in several areas: access to archives and the provision of documents, access to and protection of witnesses and the search for, arrest and transfer of the remaining fugitives.

Bosnia and Herzegovina has continued to grant access to Government archives and to provide the documents requested. We hope that the political and institutional difficulties currently faced by Bosnia and Herzegovina will not negatively impact on the satisfactory cooperation it is providing to my Office today. We also continue to encourage the authorities in Bosnia and Herzegovina to adopt a proactive approach to investigating and prosecuting those that support fugitives evading justice.

Croatia has responded to most requests for assistance from the Office of the Prosecutor. However, we continue to seek access to key documents and archives in the Gotovina case. Over the past year and a half, these specific documents have been at the centre of discussions with Croatian authorities. After several failed attempts to obtain these documents and at the request of the Office of the Prosecutor, the Trial Chamber ordered Croatia to provide a detailed report specifying the efforts undertaken to obtain the requested documents. In response to the Chamber's order, Croatia provided a report and supporting documents. Since my written report, Croatia also provided additional documents requested by my Office, thereby complying, in part, with the Tribunal's order.

However, still at this date, key military documents remain unaccounted for and, in our view, further steps remain to be taken. The matter remains before the Tribunal. As the trial is in progress, it is crucial that the remaining requested key documents be made available immediately.

Since my last report to the Security Council, Serbia's cooperation with my Office has significantly improved. The changed general political environment has led to a more decisive and proactive approach to

cooperation by authorities at the political, judicial and operational levels.

The assistance provided by Serbia during the reporting period in terms of access to archives and the provision of documents has also improved. Serbia has provided timely responses to the majority of requests for assistance and provided significant assistance in the provision of important documents relevant for trials.

Serbia's National Council for Cooperation with the Tribunal has played a key role in this area. Significant improvements have also been achieved as a result of the Serbian authorities recently participating in working meetings with my staff, which has facilitated the identification of relevant documents in their archives. Further cooperation is needed to obtain information in relation to certain important missing documents from those archives that are critical to the cases.

My Office also continues to seek access to certain key military documents in the trial against Momčilo Perišić. In that case, the Trial Chamber has ordered Serbia to investigate and produce a report in relation to the missing documents. Since my written report, Serbia has provided a response, which we are currently reviewing and which may require further follow-up.

The most critical area of cooperation remains the apprehension of fugitives. The arrests of Stojan Župljanin and Radovan Karadzić, carried out by the authorities of Serbia, were important milestones in Serbia's cooperation with my Office. They were the result of improved, effective leadership and coordination between political and judicial authorities, as well as security services.

Agencies in charge of tracking fugitives have stepped up efforts to locate and apprehend the two remaining fugitives, Ratko Mladić and Goran Hadžić. Planning and coordination between the various security services has improved and the authorities are conducting more pro-active, comprehensive and widespread actions to arrest those remaining fugitives.

However, the work of the current authorities is complicated by the need to overcome shortcomings of the previous management of the civilian intelligence services, in particular, their failure to analyse and act upon information obtained in relation to the search for the two fugitives.

During my visit to Belgrade last November, the authorities presented their action plan to search for and arrest the two remaining fugitives. Should these plans be successfully implemented, the analytical capacity reinforced and the necessary political support maintained, additional positive results could be achieved.

I also encourage States and international and regional organizations to continue supporting the States of the former Yugoslavia in their cooperation with my Office.

The transfer of investigative case files and material to competent national jurisdictions and efforts to strengthen the capacity of national jurisdictions remain key components of our completion strategy. We are well advanced in the process of transferring cases and investigation files to the States of the former Yugoslavia. All but one of the ten cases involving 13 accused transferred pursuant to rule 11 bis to the States of the former Yugoslavia have been completed at the trial level. At present, rule 11 bis transfer procedures have been fully used and no further cases appear suitable for transfer.

With regard to the investigative material or category II cases, the Office of the Prosecutor has transferred material involving a total of 15 suspects covering seven municipalities. In 2009, we intend to transfer the last batch of investigative material with some 20 identified suspects to prosecutors in Bosnia and Herzegovina.

During the reporting period, my Office remained actively involved in responding to requests for assistance submitted by national judicial authorities from the States of the former Yugoslavia. In this reporting period, we have responded to a total of 57 requests for assistance.

My Office continues to support efforts to strengthen the capacity of the judiciaries of the States of the former Yugoslavia to deal with war crimes cases at the national level. International support to national courts in States of the former Yugoslavia will remain crucial in the coming months and years. In this context, my Office supports international and national efforts to strengthen the Special Department for War Crimes in the Office of the Prosecutor of Bosnia and Herzegovina. Trials, including trials transferred by the Tribunal could otherwise be jeopardized.

We strongly support the improvement of cooperation in judicial matters between States in the region. Owing to obstacles preventing the extradition of nationals and to legal barriers precluding the transfer of war crimes proceedings among these States, there is a danger that many lower- and mid-level perpetrators of war crimes committed in the early 1990s in the former Yugoslavia will evade justice. To address this impunity gap, these issues should urgently be addressed by all authorities concerned.

Despite efforts aimed at speeding up trials and appeals proceedings, there will be delays in the timelines for current and future trials and appeals. These are principally caused by the recent arrests of Radovan Karadzić and Stojan Župljanin and a number of factors in ongoing cases such as the sickness of the accused, the change of defence counsel and cases proceeding slowly because the accused have elected to represent themselves.

We therefore predict that we will require our current staff levels through 2009. Without the retention of that level of resources, it will be extremely difficult to complete the Tribunal's remaining trials and appeals. A revised budget has therefore been submitted reflecting the projected trial and appeals workload for 2009. We ask that the downsizing process in relation to staffing for trials should not take place before the end of 2009 and into 2010.

To complete this work, we will also need to rely on our dedicated and committed staff members. I therefore once more ask the Security Council and other organs of the United Nations to support measures that will allow identified staff members to stay at the Tribunal until the cases that they are working on are completed.

We will continue to participate in consultation with the President and Registrar in discussions with the Security Council on the establishment of an international residual mechanism.

I would like to express my gratitude for all the support provided by the Security Council to the International Tribunal. Without its assistance, the achievements of the Tribunal would not have been possible.

Your support will remain crucial in this final phase of the International Tribunal's existence in order to obtain the arrest of the two remaining fugitives, Ratko Mladić and Goran Hadžić, but also in order to successfully complete our work. Thank you all very much for your attention.

The President: I give the floor to Mr. Hassan Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

Mr. Jallow: Since our last report to the Security Council, much progress has been achieved in the implementation of the completion strategy of the International Criminal Tribunal for Rwanda (ICTR) as outlined by President Byron in his report.

Within the past six months, judgements resulting in convictions have been delivered in respect of two accused, with other judgements anticipated in respect of five other accused next week.

A significant development in the trial programme has been the recent conclusion of all the multiple-accused cases, with one exception. In all, this involves some 14 accused persons. The long-running Butare case came to a close in November after seven and a half years of trial, as did the Government case and the Military II case after five years of trial. These cases are now pending judgement, subject to the possible recall of some witnesses.

During the same period, two cases were commenced and are progressing and two indictees, Ngirabatware and Ntawukuriryayo, were transferred to the ICTR for trial during the same period.

Currently, the Office of the Prosecutor at the ICTR is preparing the cases of all the current detainees awaiting trial in order to ensure that their cases proceed in 2009 in accordance with the trial schedule submitted by the President. This will include the retrial of Muvunyi ordered by the Appeals Chamber. My office, the Office of the Prosecutor, is firmly committed to the conclusion of these remaining trials in the course of 2009. We believe that target to be achievable.

Despite the heightened activity of the Tracking Team, no arrests of indictees have been secured in the past six months. There is no indication of any steps taken by the Government of Kenya — other than the earlier seizure of one property — to implement the recommendations of the ICTR-Kenya Police Joint Task Force or the requests of the ICTR in respect of the person and property of Félicien Kabuga. As the Security Council is aware, this matter was referred to it by the Secretary-General in June 2008.

In September 2008, I held consultations with both the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and Government officials in Kinshasa regarding the arrest and transfer to Arusha of some half a dozen indictees who have taken shelter in that territory. The discussions with the Government of the Democratic Republic of the Congo were very positive and encouraging.

The recent round of conflict in the eastern part of the Democratic Republic of the Congo, where the majority of our fugitives are located, has, however, set back the tracking and arrest programme. We therefore continue to appeal to the Security Council to call on all States to cooperate in the arrest and transfer of these indictees, and for appropriate support to be provided to the Government of the Democratic Republic of the Congo by all States, by United Nations agencies and particularly by MONUC in order to enable that country to discharge its obligations.

The demands of peace and justice converge very strongly in the case of the Democratic Republic of the Congo. The continued presence and activities of the ICTR fugitives in the Democratic Republic of the Congo contribute greatly to the conflict and instability in that area. As long as the demands of international justice fail to be satisfied through the arrest and transfer of these fugitives, the demands of peace and stability in the region may continue to elude the international community.

Although the programme for referral of cases of indictees to national jurisdictions for trial continues to be an important element of the ICTR completion strategy, its implementation, particularly regarding referrals to Rwanda, has suffered a number of setbacks. The Security Council will recall that the Prosecutor had filed requests for the referral of five cases — four detainees and one fugitive — to Rwanda under rule 11 bis of the ICTR Rules of Procedure and Evidence. The requests in respect of the four detainees, including the appeals by the Prosecutor in the cases of Munyakazi, Kanyarukiga and Hategekimana have been rejected by the Appeals Chamber.

The Appeals Chamber, whilst acknowledging the independence and impartiality of the Rwandan judiciary, has, however, upheld the rejection of the request by the Trial Chambers, essentially out of concerns that the defence might be impeded in its work by the possible reluctance of defence witnesses to travel to Rwanda to testify and by the fact that defence witnesses may face security problems in Rwanda. As a result of these decisions, the cases of these four detainees and all the thirteen fugitives now fall back within the workload of the ICTR, unless alternative arrangements for trial are made.

This setback has not, however, closed the door to the referral strategy. My office and the Office of the Prosecutor General in Rwanda have held a series of consultations with a view to identifying measures that Rwanda could take in order to meet the concerns of the Chambers. The measures having been identified, we have agreed that, once they are implemented by the Rwandan Government, the ICTR Prosecutor will consider submitting new requests to the judges early in 2009 for the referral of cases to Rwanda.

We intend to keep on trying, because a successful referral programme to Rwanda is important for several reasons: it will cut down on the ICTR trial workload for 2009 and facilitate implementation of the completion strategy; it will enable us to refer the cases of the fugitives and thus end 2009 without any fugitives on our list, except the three who have been earmarked for trial in Arusha. It could also facilitate the extradition of cases of suspected genocidaires from other countries to Rwanda, and thus avoid the creation of an impunity gap in the struggle to bring to justice those who are responsible for these kinds of offences.

In my previous report to the Security Council, I indicated that following investigations by both my office and Rwanda into allegations against some members of the Rwandese Patriotic Front (RPF), the Rwandan Prosecutor General had decided to indict four senior military officers for murder and other war crimes in connection with the killings of several clergy of the Kabgayi parish in June 1994. The trial proceeded in open court in Kigali, under monitoring both by my Office and by other independent observers. It proceeded before a military tribunal. On 24 October, the court convicted two of the officers and sentenced them to 8 years imprisonment, while it acquitted the other two. The Military Prosecutor has advised me that he has appealed both the sentences and the acquittals. I am awaiting the outcome of those appellate proceedings.

Last month, the Office of the Prosecutor at the ICTR hosted a conference of all the Prosecutors of the

Tribunals as well as prosecutors from countries involved in the investigation and prosecution of international crimes, together with representatives of a number of NGOs interested in the subject. The meeting was convened in the context of the increasingly important role of national systems in combating impunity, with a view to sharing information and experiences and creating a forum through which such an exchange could continue beyond the lifetime of the ad hoc tribunals. I must stress that there is much concern amongst the Tribunals and these national prosecuting authorities that there should continue to be timely and effective access for the latter to the Tribunals' information and evidence databases in order to facilitate national investigation and prosecution of international crimes. This is a matter which needs to be taken seriously into account as the Security Council decides on residual and legacy issues for the Tribunals.

The next six months will be a period of intense trial activity at the ICTR. We are all committed to concluding the trials of those detainees currently in hand and to making referral a success in order to enable us to deal with the cases of some detainees, as well as of the fugitives. We do not underestimate the challenge of doing so, particularly at a time when, with completion in sight, we continue to lose critical staff at a difficult time. In less than a year since January 2008, for instance, my Office has lost 20 per cent of its staff. Many more may leave due to the uncertainty about the future. I believe that the adoption by the United Nations of measures to provide incentives to staff whose services are critically required seems all the more urgent now.

I thank you very much, Mr. President, and the members of the Council for your attention as well as for your support for the work of the ICTR.

The President: I thank Mr. Jallow for his briefing.

I shall now give the floor to the members of the Security Council.

Mr. Belle (Belgium) (*spoke in French*): I thank the Presidents and Prosecutors of the two Tribunals for their briefings. Let me also congratulate Judge Patrick Robinson on his election as President of the International Tribunal for the Former Yugoslavia (ICTY) at a challenging time in the life of the Tribunal.

I will not reiterate in any detail my country's attachment to international justice and our strong support to the Tribunals in their endeavours to complete their work within the deadlines decided by the Security Council and to continue to comply with their mission, in appropriate conditions of work, to bring to justice those most responsible for crimes committed in the former Yugoslavia and in Rwanda. These points were made in my delegation's three previous statements and they remain valid.

As regards the cooperation of States with the Tribunals, my delegation welcomes the substantial progress noted by Prosecutor Brammertz concerning the cooperation of the authorities of Serbia with the ICTY. We encourage Serbia to continue its efforts to that end and hope that Mr. Mladic and Mr. Hadzic will be apprehended soon. We encourage all other States involved with the ICTY or the International Criminal Tribunal for Rwanda (ICTR) to enhance their cooperation with the Tribunals, in particular with a view to arresting the fugitives. Cooperation should result from a general commitment and not just from progress achieved now and then. With respect to the ICTY, it is regrettable to note that some form of pressure or other international intervention is often needed in order for cooperation to progress.

Rather, I would like to take this opportunity above all to update the Security Council and the wider United Nations membership on the activities of the Security Council Informal Working Group on international tribunals, which Belgium has had the honour to chair in 2008. In particular, I note the significant progress made by the Working Group on the issue of the establishment of a residual mechanism or of two mechanisms to carry out certain essential functions of the ICTY and the ICTR after their closure.

I call attention to the fact that I will provide a more detailed account in a letter that I will send to the President of the Council and that I will ask to be circulated as an official document of the Security Council.

The Working Group held 29 meetings in 2008. Its discussions were informed by a paper produced jointly by the ICTY and ICTR in March 2007 and revised in September 2007. There was considerable dialogue between the Working Group and the Tribunals throughout the year by means of letters, meetings and video conferences with the principals of the Tribunals

and of a visit to each of the Tribunals by the Working Group at the end of September, as noted by earlier speakers.

The Working Group was briefed by Justice Richard Goldstone, Chairman of the Advisory Committee on Archives, which was established by the Registrars of the Tribunals to advise on the possible location or locations of the archives and related issues. The Goldstone Committee report was received too late in the year for the Working Group to consider it in any detail. The Working Group also had informal consultations with the jurisdiction States — Rwanda and the countries of the former Yugoslavia. The Working Group also exchanged views with the Registrar of the Special Court for Sierra Leone.

During the first part of the year, the Working Group held general discussions of issues raised in the Tribunals' joint paper. As of June, the focus shifted to elements for a possible resolution, drafted by my delegation with the valuable assistance of the Office of Legal Affairs, to which I would like to express my most sincere appreciation. The draft became the basis of intense discussions and passed through three successive versions. While many elements of the draft resolution were agreed, significant areas of difference remain and it will not be possible to finalize the draft before the end of 2008.

The Tribunals' joint paper identified a number of residual functions that might need to be carried out by an international residual mechanism after the Tribunals close. These include the trial of fugitives, the review of judgments, the referral of cases to national jurisdictions, proceedings for contempt, the protection of witnesses, the archives, the supervision of sentences, the prevention of double jeopardy, defence counsel and legal aid issues, claims for compensation, public information and capacity-building, and human resources issues. The Working Group discussed each of these possible residual functions, identifying questions for the Tribunals and considering the answers provided by them.

The focus then shifted to discussion of draft elements for a Security Council resolution. Four areas of early agreement emerged. First, the fugitives must face trial; impunity is unacceptable. The most senior fugitives — those most responsible — must face international trial by the residual mechanism. Secondly, the transfer of cases involving mid- or lower-level inductees to national jurisdictions having jurisdiction to try those cases is an important part of the Tribunals' completion strategies. Thirdly, continuing witness and victim protection was of critical importance. Fourthly, the Tribunals' archives are the property of the United Nations and must be kept under its control.

Successive discussions on the three versions of draft elements of the resolution largely identified the structure of the possible residual mechanism or mechanisms and the need for it or them to continue the legal personality of the Tribunals, although some important differences of view remain. Discussions should continue on those matters, as well as on issues that have not yet been considered in detail, such as the archives. The main questions to consider with regard to the archives relate to their location — whether they should be located in the same place as the residual mechanism — and how confidential materials should be handled, including the question of access to such material.

I would urge the Security Council to seize the momentum created in 2008 to continue the work at the same pace, on the basis of the draft resolution, so that the necessary progress can be made early in 2009.

Belgium was pleased to be asked to chair the Working Group during 2008. We believe it worked effectively under a single rather than a rotating chairmanship. I recommend strongly that again for 2009 a single chairman be nominated to continue the important work.

A great deal of progress has been made in the drafting of a resolution to establish a residual mechanism to carry out certain essential functions and to preserve the legacy of the ICTY and ICTR after the completion of their work. Its basic structure and main purposes are clear. The outstanding questions are clearly identified. With sufficient common ground and political will, a consensus resolution is within reach.

In conclusion, I would like to urge the Security Council to bear in mind the fundamental reason for establishing a residual mechanism: respect for the rights of the victims, of the witnesses, of the accused and of the convicted persons. After two years of intense involvement in this issue, Belgium is more firmly convinced than ever that the international community — through the residual mechanism — must assume responsibility for, at the very least, the trial of

fugitives, the protection of civilians and witnesses, contempt proceedings, monitoring the enforcement of prison sentences, review of judgments and management of the Tribunals' archives.

Mr. Lacroix (France) (*spoke in French*): We would first like to thank the Presidents and Prosecutors of the International Criminal Tribunals for Rwanda and the Former Yugoslavia for introducing their biannual reports. May I specifically congratulate Judge Patrick Robinson on becoming President of the International Criminal Tribunal for the Former Yugoslavia (ICTY).

The Tribunals are at a very delicate moment in their existence: the conclusion of their work. The strategy that the Council established in 2003 and 2004 provided for completion of trials in 2008 and of all work in 2010. Those dates were chosen taking into account forecasts made at the time on how matters would proceed, and they served as a reasonable goal.

Today we know that those deadlines will not be met because of judicial vagaries and procedural constraints, and also because of the late arrest of a number of fugitives. We also note the difficulty of implementing the procedure for transferring lower-ranking accused to national jurisdictions, a procedure that is one of the main elements of the completion strategy. In any event, we are in a situation where trials will not be completed in 2008, and one could fear that all the work will not be completed before 2012.

We know that the Tribunals are working as fast as they can, and we acknowledge their efforts to speed up the work and rationalize trial procedures. Everything must be done to complete the completion strategy as quickly as possible, ensuring, of course, that conditions for a fair trail are always provided. It is for the Council to give the Tribunals the means to achieve that goal, as it did this morning in extending the authorization for the ICTY to recruit ad litem judges beyond the statutory deadline. We expect that similar requests from the President of International Criminal Tribunal for Rwanda (ICTR) will also receive favourable handling. France wishes to ensure that Tribunals have the judicial capacity needed in this difficult time.

It is not yet time to draw up a final balance sheet of what the Tribunals have done, but we can already say that they fulfilled what the Security Council wanted to accomplish when it set them up. Since their creation the Tribunals have embodied the will of the international community to reject impunity for the most serious crimes against humanitarian and human rights law. They have established jurisprudence that can be useful to all jurisdictions that must deal with such crimes. They helped calm the tensions and to restore peace and security in a decisive manner within their respective areas.

Now they have to complete their work. It will not be complete until all the main accused and fugitives have been brought to trial. All States must cooperate fully with the Tribunals to achieve that goal. Recent arrests of Mr. Karadžiž and Mr. Župljanin represented considerable progress for the ICTY, and they were made possible through the cooperation of Serbia. We noted the positive comments by Prosecutor Brammertz on that cooperation, and we trust it will continue so that the last two fugitives — Mr. Mladić and Mr. Hadžić — can be arrested. I wish to recall that full cooperation with the ICTY is an essential element in the stabilization and association strategy for all of the countries of the region, and we call on those countries to give all necessary assistance to the Tribunal. With regard to the ICTR, there are still 13 accused at large. There, too, we urge all States concerned to strengthen their cooperation with the Tribunal and to fulfil their commitments regarding arrest and transfer of indicted persons at large. In particular, we call on the Government of Kenya to do its utmost for the arrest and transfer of Félician Kabuga to the ICTR.

If the problem of fugitives is not resolved before the closure of the Tribunals, it must be resolved within the context of the management of their legacy, for it is simply not acceptable that the closure of the Tribunals would mean impunity for criminals at large. It is one of the principal functions that will be taken over by the residual mechanism that is to be established after that closing. The Council's informal Working Group on the International Tribunals worked for more than a year on that issue, under the very effective chairmanship of Belgium. In that regard my delegation wishes to thank the delegation of Belgium, especially its legal counsellor, Mr. William Roelants, for the remarkable work they have accomplished. I also wish to thank the Presidents, Prosecutors and Registrars of the two Tribunals for the excellent cooperation they established with the Working Group, particularly during its recent visit, in autumn.

The Security Council is already able to indicate several points of agreement on the management of residual functions, among the first of which is bringing

to international justice fugitives bearing the heaviest responsibility. That requires a mechanism that can reconstitute the capacity to try those individuals once they have been arrested. It is established that the mechanism, which will be within the United Nations, is to be compact, temporary and effective, as well as economical. Protection of victims and witnesses and the judicial management of the archives will be among the functions of the mechanism. We believe it will also have to supervise the carrying out of sentences imposed by the Tribunals and review contempt proceedings. Despite the progress achieved, the situation is not yet ripe for adoption of a resolution by the Security Council on this matter, but it is our hope that the Working Group will be able to move quickly toward resolving the major difficulties.

It is essential that the Security Council take the necessary steps to ensure the integrity and the permanence of the legacy of the Tribunals. The administration of justice will not end with the Tribunals. The management of their residual functions must be equal to the demands of equity and justice that governed their creation.

Ms. DiCarlo (United States of America): My delegation welcomes Presidents Robinson and Byron and Prosecutors Brammertz and Jallow to the Council today and thanks them for their continued work to fight impunity. We congratulate Judge Robsinson on his election as President of the International Criminal Tribunal for the Former Yugoslavia (ICTY). We would also like to commend the judges, prosecutors and staff of the ICTY and the International Criminal Tribunal for Rwanda (ICTR) for their diligence and dedication to the work of the Tribunals.

The United States recognizes the many accomplishments of the Tribunals and we acknowledge in particular the recent arrests of Radovan Karadzic and Stojan Zupljanin and the commencement of proceedings in their cases. We urge the Tribunals to continue to implement their completion strategies in order to fulfil their ultimate mandate of bringing to justice those responsible for crimes in the former Yugoslavia and Rwanda.

We note the difficulties that the ICTR faces in transferring the cases of indictees to national jurisdictions and we urge the international community to reaffirm its commitment to strengthening the domestic judicial capacity of Rwanda. We commend the domestic prosecutorial and judicial efforts to ensure accountability for crimes committed in the Balkan wars, which is critical to the long-term stability of the region.

We want to stress once again that the fugitive indictees must be brought to justice. We cannot allow individuals who have been indicted by the ICTY and ICTR to enjoy impunity simply because they outlast the Tribunals. It must be clear to them and to those who support them that such a strategy will not succeed.

Accordingly, the United States urges the international community to work diligently towards securing the arrest of the 15 individuals indicted by the ICTY and ICTR who remain at large. We also call on States to fulfil their legal obligations to cooperate fully with the Tribunals. We are encouraged by recent cooperation between the ICTR and the Democratic Republic of the Congo in tracking fugitives, but greater cooperation is needed.

We are troubled, however, by the lack of urgency of the Kenyan Government to act on reports that ICTR fugitive and alleged genocide financier Félicien Kabuga continues to have links to Kenya. We urge Kenya to act immediately on the Tribunal's recommendations and take additional steps to deny Kabuga access to his networks of support.

Concerning the ICTY, we applaud Serbia for the arrest and transfer of Radovan Karadzic. The remaining fugitives, Ratko Mladić and Goran Hadžić, must also be apprehended, and we call on Serbian authorities to do everything in their power to locate and arrest these individuals. A resolution of their cases is critical for stability and reconciliation in the Balkans. We also wish to stress the importance of all countries fully cooperating with the ICTY, and we note with concern Prosecutor Brammertz's report that the prosecution has not yet received key documents for the Gotovina trial, despite some encouraging steps taken by the Croatian Government.

We urge the authorities in Bosnia and Herzegovina, Croatia and Serbia to continue to work closely with the ICTY and their Governments to fulfil all of their responsibilities relative to the Tribunal. In addition, we urge the national authorities in the region to work closely with each other so as to enhance information-sharing, to facilitate the transfer of war crimes proceedings between States, as appropriate, and

to consider revisions to laws so as to allow the extradition of nationals charged with war crimes.

The United States thanks Ambassador Grauls and the Belgian delegation for their work as Chair of the Informal Working Group on criminal tribunals. We look forward to working with Council members to complete the task of establishing a residual mechanism that ensures that no war criminal from these conflicts enjoys impunity and that ensures the Tribunals' legacy while allowing for their efficient and successful closure.

Finally, we would like once again to thank the Presidents, Prosecutors, judges, registrars and staff of the Tribunals for their good work and for their efforts to end impunity for these crimes.

Mr. Gouider (Libyan Arab Jamahiriya) (*spoke in Arabic*): We welcome the presence of the two Presidents of the International Criminal Tribunals, Judges Patrick Robinson and Dennis Byron, and the two Prosecutors, Mr. Serge Brammertz and Mr. Hassan Jallow. We thank them not only for their comprehensive briefings but also for the exceptionally excellent work they have carried out with the assistance of their staff.

The two reports of the Tribunals and today's briefings, in addition to the report on the completion strategy, are rich in detail concerning the activities of the two Tribunals. These activities have shown considerable progress in the implementation of the completion strategy within the prescribed deadlines, in accordance with the instructions of the Security Council, and with due attention to fair trial proceedings and respect for the rights of the accused.

Undoubtedly, the failure to arrest some accused persons and the continued impunity of those who committed genocide and grave violations of international humanitarian law are a cause for legitimate international concern. However, this regrettable reality should not prevent us from implementing the completion strategy within the set deadlines.

The Security Council has urged States to cooperate with the two Tribunals. The two reports reflect noticeable progress in the cooperation of the concerned States in tracking the fugitives, extraditing those who have been indicted and resettling those who have served their sentences or been exonerated.

We welcome the reference in the two reports to the cooperation and assistance of the concerned States with the two Tribunals, particularly the Republic of Rwanda and the States of the former Yugoslavia. The issue requires ongoing international cooperation and the provision of material and human resources in order to enable the two Tribunals to discharge their mandate.

The Council has also stressed the importance of enhancing national jurisdictions in Rwanda and the States of the former Yugoslavia. We call for further efforts to strengthen national jurisdictions in order to enable them to pursue the work of the two Tribunals. We believe that such strengthening is in line with efforts to refer as many remaining cases as possible to national jurisdictions and with the principles of fair trial proceedings, equality and strengthened rule of law in the concerned States. It also ensures that problems relating to national jurisdiction can be overcome to allow States to take possession of archives that are important to their history and national reconciliation.

The circumstances have changed since the two Tribunals were established at the end of the last century. Laws and institutions in the States where the crimes were committed have also changed. There is now a great deal of evidence and many available witnesses, which makes it possible for national jurisdictions to address remaining cases with professionalism and with the assistance and support of the international community.

The desire to see progress in the Tribunals' efforts to carry out their respective completion strategies makes it incumbent upon us to decide upon their legacies as soon as possible. In that connection, we would like to express our particular appreciation for the efforts made by the Informal Working Group chaired by Belgium. We look forward to the outcome of that work and to the establishment of an international mechanism to effectively and efficiently ensure their legacies after the Tribunals conclude their work.

Mr. Terzi di Sant'Agata (Italy): I wish to join other delegations in thanking Presidents Robinson and Byron, as well as Prosecutors Brammertz and Jallow, for their presentations to the Council. I also wish to congratulate President Robinson on his recent election and to wish him every success on his future endeavours. Let me also take this opportunity to commend the work of Fausto Pocar as President of the

International Criminal Tribunal for the Former Yugoslavia (ICTY) over the past three years. Under his leadership, the ICTY was able to reach very high standards of efficiency, in full respect of the principle of fair trial.

Italy welcomes the tangible progress made in pursuing the completion strategies through the strong commitment of the Tribunals, the judges, the prosecutors and the entire staff. However, we are somewhat concerned about the fact that achieving the completion strategies will be delayed. Of course, that has been largely due to objective factors, the inability to ensure the prompt arrest and surrender of defendants, obstacles in judicial cooperation and other reasons. We believe that, rather than discussing the past, it is now time to look ahead and to try to ensure the smooth conclusion of judicial activities, in keeping with the best standards of fair trial and due process.

At the same time, the Council should underline that cooperation is essential for a truly successful completion. In that regard, cooperation with the Tribunals has largely improved recently. Still, it is a bit frustrating to see that difficulties remain after so many years. Cooperation must become a resolute practice.

Under the presidency of Judge Byron, the International Criminal Tribunal for Rwanda has endeavoured to improve its ability to respect the completion schedule. It also has ambitious plans to complete trials during 2009. But regrettably, further delays seem unavoidable at this stage. Nonetheless, we are confident that the Tribunal will continue to do its best to keep delays to a minimum. We will carefully consider the proposal made today by President Byron.

We are confident that both Tribunals will make every effort to finalize pending cases and facilitate judicial activities on appeal. At this juncture, it is important to make appropriate plans to assure that the Appeals Chamber is granted the necessary staff and resources.

In our view, it is also essential to strengthen capacity-building in the countries most directly concerned, both in terms of the judiciary and outreach. Support through the international community would be more than welcome, including by strengthening States' judicial capacity to conduct criminal trials for international crimes. In that regard, Italy commends the assistance given to the ICTY by the United Nations Interregional Crime and Justice Research Institute and the Organization for Security and Cooperation in Europe, as mentioned in the report (see S/2008/729) of the President of the ICTY.

We would like to note that the Tribunals' legacies must remain under the Council's consideration. In numerous meetings of the Informal Working Group on international tribunals, chaired by Belgium, delicate issues have been discussed pertaining to the aftermath of the completion strategies. In that regard, we believe that the obligation to try fugitives should remain a clear duty of the international community. With the active contribution of the Council, important decisions should be adopted in a timely manner to reaffirm the purpose for which the Tribunals were established: bringing to justice those responsible for the most heinous international crimes in the territories of the former Yugoslavia and Rwanda.

Lastly, we would like to thank Ambassador Grauls and the Belgian delegation for having efficiently chaired the informal working group on international tribunals. The activities of the group have paved the way for the legacy of the Tribunals.

Mr. Suescum (Panama) (*spoke in Spanish*): Allow me, first of all, to thank the Presidents and Prosecutors of the two International Tribunals for the briefings they gave us this morning.

The work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) is at a crucial stage. Both must complete trials at first instance by the end of 2008, less than three weeks away, while finalizing all their work in 2010. My delegation would like to acknowledge the enormous commitment demonstrated by the staff of both Tribunals with regard to the goals set out in the completion strategies. Nevertheless, we must be realistic and acknowledge that the vast amount of pending work could have a significant impact on the deadlines that have been established.

With regard to the International Criminal Tribunal for Rwanda, we are concerned about the number of obstacles impeding some trials from being referred to national judicial authorities, especially those relating to procedural guarantees and witness protection. We are also concerned that 13 accused persons are still at large, including Félicien Kabuga. States with information on those persons should honour their obligations to cooperate with the Tribunal. Failure

to cooperate could directly compromise the Tribunal's goals and legacy in the Great Lakes Region.

It is clear that the workload of the International Criminal Tribunal for the Former Yugoslavia has increased in the past year. The Security Council has reacted correctly in adopting this morning's resolution extending the mandates of judges and allowing for the appointment of additional ad litem judges. Despite those measures, it appears unlikely that the Tribunal will be able to carry out its completion strategy in the time frame that has been set.

On a positive note, however, we wish to underscore that Radovan Karadzic has been arrested and delivered to the Tribunal authorities. Once again, we recognize the work carried out by the Serbian authorities in this context and we encourage Serbia and other States of the region to continue such cooperation and to focus their efforts on ensuring the capture of Ratko Mladić and Goran Hadžić.

The Security Council Informal Working Group on international tribunals has worked throughout this year to establish the parameters for an international mechanism to take on those residual issues which will be pending once both Tribunals have ceased to function. The ongoing dialogue with the authorities of both Tribunals has been decisive in the progress achieved so far. On behalf of my delegation, I would like to thank them for this important cooperation. We would also like to acknowledge the work of Belgium as chairman of the Informal Working Group and to thank Belgium for its generosity which has made it possible for the Working Group to visit the offices of the Tribunals in Arusha and The Hague. The exchanges that will be possible during those visits will undoubtedly be of great value in this regard.

The correct application of justice is an ongoing process which does not end with a judgment or with the conclusion of a trial. In particular, in dealing with residual issues and without wanting to undermine any of those issues listed by the representative of Belgium in his statement today, this Council must ensure that adequate protection is guaranteed to both victims and witnesses, that sentences are duly served and that post-sentencing judicial process is followed. The eventual success of the Tribunals will be measured by the legacy they leave to those national authorities which succeed them. For that reason, it is crucial that public access to the archives be guaranteed.

Finally, the lack of human and material resources cannot be allowed to compromise the objectives of the Tribunals. We consider it a matter of utmost importance to pay attention to the considerations and concerns expressed by both Tribunals and reiterated today by both Tribunal Presidents with regard to the retention of experienced staff. We recognize and welcome the measures taken so far by the Secretariat in this regard and we urge that necessary additional measures be taken to allow the Tribunals to efficiently and effectively complete their work.

Mr. Kafando (Burkina Faso) (*spoke in French*): I should like at the outset to thank the Presidents and Prosecutors of the two Tribunals for their presentations and, in particular, to congratulate Judge Robinson. I would also like to thank the delegation of Belgium for its report on the work of the Informal Working Group on international tribunals. We are particularly grateful to Ambassador Grauls for the leadership and energy that characterized the Belgian Chairmanship of the Working Group.

Burkina Faso attaches great importance to the work of the special Tribunals for the former Yugoslavia and Rwanda, which were established by the Security Council to combat impunity and to provide justice for the victims on behalf of the international community. We have taken note of the reports before us and we would like to express our appreciation to those primarily responsible for the practical steps taken as part of the Completion Strategy in facilitating the swift and harmonious management of trials, as well as the efficient utilization of judges and personnel. These efforts must be acknowledged and encouraged. We are also grateful to the staff of the Tribunals for their dedication.

The reports that have just been presented to us make it clear that the Chambers will be very busy in the coming months. In the case of the International Criminal Tribunal for Rwanda (ICTR), for example, the commencement of ten new trials is planned. This single example demonstrates clearly the significant challenges awaiting these two institutions, which share the same Appeals Chamber, in light of the timeframes they have been assigned to complete their work. Given such an outlook, in order to enable the ICTR to continue with its current level of activity, my delegation reiterates its support for the three-part request made by the President of the ICTR for an increase in the number of ad hoc judges; that a

chamber be made up exclusively of ad hoc judges; and for the possibility that judges who are retiring be authorized to finalize their judgements from their country of origin without being involved in new cases.

With regard to the question of the timeframe for completion, which is closely linked to progress being made in trials under way and the volume of work to come, Burkina Faso is of the view that the Security Council, through the Working Group on international tribunals, should be realistic and flexible because, in practice, it will be impossible to meet the deadlines set in Security Council resolution 1534 (2004).

With regard to the matter of cooperation with the Tribunals, including in the pursuit and arrest of fugitives, we commend those States which have shown themselves willing to assist the Tribunals pursuant to resolution 1534 (2004). We welcome the agreements the Tribunals have been able reach with certain States, specifically with regard to the respect of sentences and protection of witnesses. We appeal to all other States, in particular those in the subregions involved, to cooperate actively with the Tribunals, particularly in the pursuit and arrest of fugitives.

We encourage both Tribunals to continue with their completion strategies, bearing in mind the time factor. At this point, there should be consideration of referring cases to national jurisdictions and stepping up efforts to locate fugitives.

In conclusion, my delegation would like to urge the international community to continue supporting the work of these two Tribunals. The Security Council in particular must give them all the support they need to complete their work. In the belief that justice and the search for international peace and security are shared responsibilities, Burkina Faso reaffirms its commitment and its readiness to make its contribution to combating impunity and we to support all efforts being undertaken to that end.

Mr. Hoang Chi Trung (Viet Nam): My delegation wishes to thank the Presidents and Prosecutors of the two International Criminal Tribunals, the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), for their briefings before the Council on the activities that the two Tribunals have undertaken in the last six months to implement their completion strategies, pursuant to resolutions 1503 (2003) and 1534 (2004). We take note of the reports of the Tribunals in this regard.

The reports of both Tribunals show that they will be facing challenging workloads in the coming two years. Although both Tribunals have made efforts to speed up trials, it seems that neither will be able to meet the timelines set by the Security Council for the completion of their work.

We share the assessment of the Tribunals that it is important to have adequate measures to retain the Tribunals' qualified judges and staff. We also believe that, besides trying to improve the expeditiousness of the Tribunals' proceedings, further efforts should be made to refer cases to national jurisdictions. Viet Nam will continue to join other members of the Council in efforts to render necessary support to the Tribunals for the achievement of their completion strategies.

International cooperation plays a crucial role in the fulfilment of the Tribunals' mandates, particularly in the apprehension of the remaining fugitives. My delegation notes with appreciation the efforts of the Tribunals to obtain the cooperation of States and organizations involved in cases, as well as the cooperation already shown to the Tribunals. We express, however, our concerns over the cases for which cooperation has been insufficient, as mentioned in the Tribunals' reports.

The Vietnamese delegation is of the view that determined efforts on the residual mechanism and its functions will help to ensure the success of the Tribunals' completion strategies. We need to have the residual mechanism in place and ready to operate when the Tribunals close their doors so that impunity is not allowed and the legacy of the Tribunals will be protected. My delegation, therefore, appreciates the work done in 2008 by the informal Working Group of the Council on the international criminal tribunals under the chairmanship of Belgium. We also welcome the inputs provided by the Tribunals to facilitate the discussions of the Working Group.

My delegation is not discouraged by the fact that the Working Group has not been able to finalize its work in terms of a Council resolution on the residual mechanism. That shows how complicated the issue is and that members of the Council are committed to ensuring thorough discussion of the issue.

Finally, let me reiterate our firm commitment to working constructively with other members of the Council to ensure a smooth and effective completion of the Tribunals' work.

Mr. Natalegawa (Indonesia): First of all, my delegation wishes to join previous speakers in welcoming the Presidents and Prosecutors of both Tribunals to the Council and in thanking them for their comprehensive briefings on the progress of the implementation of the completion strategies of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Let me also use this opportunity to reiterate our continued support to the effective contribution of the ICTY and ICTR to bringing to justice those responsible for crimes against humanity in the former Yugoslavia and in Rwanda.

My delegation, like others, underscores the importance of the completion strategies to the performance of the ICTY and ICTR in their final phases. In that regard, Indonesia notes with appreciation that various concrete measures have been taken to implement the completion strategies and significant progress has been achieved towards completion of the work of the two Tribunals. We also welcome their joint efforts to ensure their legacies after the completion of the mandate and the work of the two Tribunals.

We also note that the current and upcoming workloads of the Tribunals are exceptionally high. We therefore welcome their continued endeavours to achieve greater efficiency in their work by exploring further ways to expedite proceedings while respecting the rights of the accused.

My delegation recognizes that naturally there will be some functions of the Tribunals that will remain in place following completion of their work. The Council, in our view, needs to consider a temporary international mechanism for addressing all residual functions, particularly those related to the fugitives at large, transfers of cases to national jurisdiction, witness protection, sentence supervision and archives. Such a mechanism, which would address the necessary residual functions that should be retained, should be small, temporary and efficient.

My delegation would like to specifically acknowledge that the informal Working Group on the tribunals chaired by Belgium has successfully achieved some areas of agreement in identifying the residual functions and their possible solution. We also note that the Working Group has reached significant progress in the drafting of a Security Council resolution. It is indeed our hope that there will be adequate common ground for the Council to speed up the finalization and adoption of that draft resolution.

To conclude, my delegation, once again, would like to reassure both Tribunals of its full support and cooperation towards ensuring that their mandates are fully discharged, including the implementation of their respective completion strategies. We would also like to express our appreciation for the contributions of the two Tribunals to bringing those responsible to justice.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): I would like to thank the leadership of both Tribunals for their briefings and for the reports on the completion strategies of the two Tribunals submitted to the Security Council under resolution 1534 (2004) (S/2008/726 and S/2008/729).

This meeting is being held just before the beginning of a new year — 2009 — when, under resolutions 1503 (2003) and 1534 (2004), the Tribunals are supposed to complete consideration of cases at the first instance. Unfortunately, that expectation is simply not realistic. The time frames for completion forecast by the Tribunals are constantly shifting. The report of the International Criminal Tribunal for Rwanda (ICTR) (S/2008/726) sometimes gives some kind of justification or explanation of the situation, but in the case of the International Criminal Tribunal for the Former Yugoslavia (ICTY) report (S/2008/729), by no means all of the aspects of that matter are commented on.

One key element for carrying out the completion strategy is the transfer of cases by the ICTY and the ICTR to national judicial organs. We welcome the efforts being made in that area by the ICTR. Although the Tribunal has taken a number of decisions declining to transfer arrested persons, citing the inadequacy of legislation in Rwanda, we feel that the possibilities there are far from being exhausted. The Tribunal could be invited to work more actively with the Rwandan authorities to improve their national legislation, so that transfer of accused persons to the Rwandan judiciary could become a reality. Moreover, the possibility of transferring cases to third countries that might be ready

and able to hold trials of accused persons should not be excluded.

It is the understanding of my delegation that the ICTY has suspended, for the time being, the transfer of accused persons to national jurisdictions. One important element of the work of the Tribunals is that there be a high level of cooperation with States of the former Yugoslavia and Rwanda. We have noted the references in the ICTY report to Serbia on that matter, which show clearly how seriously Serbia takes the matter of its cooperation with the Tribunal. This involves providing access to documents, seeking accused persons and protecting witnesses. In that connection, we feel that the relevant sections of the ICTY report might have been worded in a more positive tone.

In conclusion, I will just comment on the matter of the establishment of an international mechanism to carry out residual functions of the ICTY and ICTR. We hope that the Council will soon be able to reach agreement on a document setting forth the key parameters for such a mechanism, namely, that it be small, financially efficient and temporary.

In that connection, my delegation thinks that it is important that the Security Council be more actively involved in the implementation of the completion strategy. It would seem that, without the assistance of the Security Council, the Tribunals will find it difficult to complete their work within realistic time frames. In any event, it would seem time for the Security Council to shoulder the full responsibility it assumed in connection with the establishment and the functioning of the two Tribunals.

Ms. Pierce (United Kingdom): I would add our voice to those of colleagues around the table who have thanked the Presidents and Prosecutors of both Tribunals for their presentations. I would like to join others in congratulating in particular Judge Patrick Robinson on his election as President of the International Criminal Tribunal for the former Yugoslavia (ICTY) and extend a welcome to him on his first appearance before the Security Council.

I would like to begin, if I may, by commending both Tribunals for their continued efforts to implement their completion strategies. It is regrettable that the projected dates for completion of the Tribunals' work indicate that the 2010 deadline set out in the completion strategies will not be met. Nevertheless, we do recognize the hard work and commitment of Tribunal staff and acknowledge that the slippage in completion deadlines is in part due to factors outside their control, such as the late transfer of fugitive indictees and difficulties in obtaining access to key evidence.

Therefore, my Government urges both Tribunals to continue their efforts to complete their work as speedily as possible, consistent with the interests of justice. We congratulate them on the measures that they have taken to reform their internal procedures in order to expedite their work further, and we encourage them to explore any possibilities for additional reforms. In the case of the International Criminal Tribunal for Rwanda (ICTR), we would encourage the Tribunal to work closely with Rwanda to facilitate the transfer for national prosecution of lower-level cases.

A number of speakers this morning have referred to the question of transfer to national jurisdiction. I would just like to set out the United Kingdom's view on that subject, which is that it is suitable, whether in the case of the ICTR or the ICTY, for lower-level cases. It is absolutely not suitable for the highest-level fugitives, including Mladić.

The full and active cooperation of States is essential to enable the Tribunals to complete their work. We would like to take this opportunity once more to remind all States of their obligation to cooperate with the Tribunals under Security Council resolutions 1503 (2003) and 1534 (2004).

A number of speakers have also referred to the arrest of Radovan Karadzic. That arrest, together with the arrest of Zupljanin, was a milestone for the ICTY, and their capture was the result of the coordinated efforts of key authorities in Serbia. My Government applauds this success, and we salute those modernizers in Serbia who have brought this change about. We also welcome the Prosecutor's assessment in his report that Serbia has made substantial progress in cooperation since the last report. We urge Serbia to step up this cooperation in the areas that the Prosecutor has identified, and obviously and in particular, to increase efforts to locate and capture Ratko Mladić and Goran Hadžić. I just want to stress that this will mean needing to ensure that each and every part of the relevant Serbian bodies are doing their utmost and are tasked to do their utmost to this end.

Turning to the case of Croatia, we also applaud the work in 2005 that went into the arrest of one of the high profile indictees, Gotovina. We recognize that the majority of requests for assistance have been met, as the Prosecutor has said, but we do regret that Croatia has been unable to provide all the documents sought by the Prosecutor related to the Gotovina trial. We welcome the fact that, since the report was written, the Croatian authorities have recently provided additional material, but it is also true that key documents remain untraced or unaccounted for. We strongly urge Croatia to redouble its efforts to meet the Prosecutor's requirements. Cooperation with the Tribunal is not only mandated by this Council under its Chapter VII resolutions, but it is also a key condition for all the countries of the western Balkans for their successful integration into the European Union.

Turning to the ICTR fugitives, it is an issue of concern to us that so many individuals remain at large. We are disappointed in particular that there has been no significant progress in tracking the whereabouts of Félicien Kabuga. We urge Kenya and other States in the region to cooperate fully with the ICTR's efforts to secure the arrest and surrender of the fugitive indictees. It is vital that all remaining fugitive indictees from both Tribunals be brought to trial.

As we approach the end of the completion strategies, it is important to focus on preserving the legacy of the Tribunals for future generations. We commend the work of the Tribunals and the international community to strengthen the capacity of domestic judicial institutions in the regions. A high priority is to reach agreement on the establishment of a residual mechanism, which will be necessary to carry out certain essential functions of the Tribunals in the post-completion phase. These functions include the prosecution of remaining indictees, the protection of witnesses, the enforcement of sentences and the management of the Tribunals' archives to ensure the widest possible accessibility.

I would like to join others in thanking Belgium today for driving this work forward, as Chair of the Security Council Informal Working Group on international tribunals. We have made some progress, but there is much more work to be done. It is important that we maintain the momentum on this issue with a view to the adoption of a resolution in the coming months.

Finally, I would like say for the record that we associate ourselves with the statement made by the representative of France on behalf of the European Union. I would also like to commend those European Union and NATO forces that have been helping in the search for the fugitive indictees in the Balkans.

Mr. Maqungo (South Africa): On behalf of my delegation, I would like to congratulate Judge Patrick Robinson on his election as President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and to thank him for his statement to the Council. I also wish to thank Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda (ICTR), for his statement to the Council. We are also grateful to the Tribunals' respective Prosecutors — Mr. Serge Brammertz and Mr. Hassan Jallow — for their statements. We would also take this opportunity to express our gratitude to the Tribunals for having received the Informal Working Group during its visits to The Hague and Arusha, Tanzania.

The two ad hoc Tribunals established by this Council have made an important contribution to the maintenance of international peace and security. They have brought to justice persons responsible for serious violations of international humanitarian law, rendered justice to the victims of international crimes and are an important factor in the restoration of peace and stability in their respective jurisdictions. The significant achievements of the Tribunals have clearly proven that peace and justice are complementary and mutually reinforcing.

My delegation commends both the ICTY and the ICTR for the efforts that they are making to ensure that they fulfil their completion strategies. In particular, we commend ICTR for the dutiful steps it is taking to complete the evidence phases of all its trials with the aim of meeting the target date of 2009.

My delegation takes note of the information that several permanent judges of the ICTR may retire to take up positions in their national systems. We are eager to ensure that cases currently being tried are not interrupted and that these trials be brought to full adjudication. Keeping in mind the target date of 2010 for the Tribunal to complete all of its work, my delegation therefore supports the International Criminal Tribunal for Rwanda's proposal to continue to engage the departing judges remotely for the purposes of writing judgements.

Furthermore, we support the proposals to make maximum use of ad litem judges by assigning them to cases without the requirement of the presence of permanent judges and to increase the number of these ad litem judges as necessary to ensure that the completion strategy is eventually met. We recognize that these steps will require amendments to the statute and the rules of procedure and look forward to receiving the proposed amendments from the Courts.

The completion strategy is time bound and, therefore, we find it imperative that imaginative steps be taken in order to meet the deadline and realize our goals of completing all the work of the Court by 2010. My delegation urges the Tribunals to continue to identify further reforms to complete their work as efficiently and promptly as possible.

We remain, however, disappointed at the decision of the appeal division to deny the request of the Prosecutor of the ICTR to refer some of the outstanding cases to Rwanda. We are, however, encouraged at the cooperation between Rwanda and the Office of the Prosecutor following the decision of the Appeals Division and hope that, eventually, all of the concerns expressed by the Appeals Division shall be resolved and that referrals to Rwanda shall occur sooner rather than later. We view referrals to national systems as central to achieving the completion strategy.

In both the ICTY and the ICTR, there are indicted persons still at large and some of them are of a particularly high-level and are accused of holding the greatest responsibility in the perpetrating of international crimes. Ideally, they should be tried at an international level by an international court. It is important that these fugitives be arrested and brought to justice and we therefore call upon the cooperation of all States, in particular the States that have been mentioned in the report, to surrender these fugitives to the Tribunals.

The ad hoc Tribunals were established as efforts to maintain international peace and security and, as they now complete their work, it is important that they leave a legacy that affirms the national justice systems of the territories Rwanda and the former Yugoslavia. It is for that reason that my delegation strongly supports referrals to these national systems.

Much work has already been done by the informal working group of the Security Council on the Tribunals under the able chairmanship of Belgium. We take this opportunity to thank Belgium for their leadership and for having made the trip to the Tribunals possible.

It is important at this stage that this work that has been done by the informal working group be placed in an official report of the Security Council so that the incoming members of the Council can build upon what has already been done.

Mr. Weisleder (Costa Rica) (*spoke in Spanish*): I would like to thank you, Sir, for having convened this important meeting and, at the same time, I wish to say how pleased my delegation is to have Judge Patrick Robinson, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY) here with us, and I congratulate him on his recent appointment and the discharging of his functions.

We also welcome Judge Dennis Byron, President, International Criminal Tribunal for Rwanda (ICTR), Mr. Serge Brammertz and Mr. Hassan B. Jallow, both Prosecutors for the International Criminal Tribunals.

Costa Rica welcomes the very informative and detailed content of the briefings on the present situations of the trial activities and we recognize efforts aimed at complying with an orderly completion strategy in accordance with Security Council resolutions 1503 (2003) and 1534 (2004).

However, we note that given elements beyond the control of both Tribunals, it is possible that their trial activities will not conclude in 2008 as planned and that some trial-related activities may even continue through 2011 or 2012. Our delegation continues to believe it important for both Tribunals to redouble their efforts so that the extension of this time frame is as brief as possible.

Obviously this appeal for them to redouble their efforts cannot and must not be to the detriment of the rights of the accused to receive fair trials with a maximum of existing judicial safeguards in place, based on the Tribunals' respective statutes.

Since the initial report on the completion strategy, the members of the Council have appealed to the international community to continue to cooperate with the Tribunals and to facilitate compliance with their respective mandates.

In this regard, we would like to recognize the efforts of those individuals, institutions and sectors in

Serbia which made it possible for two fugitives of the ICTY to be apprehended and handed over, including Radovan Karadzic. The most cruel and inhumane crimes such as genocide, war crimes and crimes against humanity must not go unpunished. Costa Rica urges the international community to provide all information at their disposal in order to collect data leading to the arrest of fugitives of both Tribunals and to bring them to international justice as soon as possible.

Similarly, we would underscore the importance of activities aimed at bolstering the capacity of the respective national justice systems in order to increase the number of transfers to national jurisdictions and that elements which, to date, have led the Tribunals to reject those transfers, be set aside in the near future. The purpose of this would be that, simultaneously, the international community could find justice while ensuring the most efficient trial process in these national jurisdictions.

In referring to the legacy of both Tribunals and their possible residual functions, we would like to point out that our delegation believes that any mechanism which is selected must be substantially minimized and considerably less burdensome.

In any event, it is particularly important for my delegation that the high-level individuals presumed guilty, many of whom are still at large, be judged by these international Tribunals and that the perpetration of such atrocious crimes not go unpunished.

We recognize and we are grateful for the valuable work done by the Belgium delegation and we recognize their dedication, as Chair of the Security Council Informal Working Group in 2008, to guiding the numerous related negotiations to a safe harbour.

I should like also to refer briefly to the question of the archives for both Tribunals. This is a very important aspect of the future residual mechanisms. These archives are not only important for the trials which are under way in national jurisdictions, thanks to the transfers made by the Tribunals, but they also represent the most valuable legacy for the international community in its efforts to combat impunity. This demonstrates once again that only through justice can we ensure lasting peace and that both elements are mutually complementary and beneficial.

In conclusion, my delegation believes that this Council must hear the opinions of countries of the region prior to taking a final decision on the location of the archives. It is essential that the ultimate solution reconcile the interests of all interested parties in the region, the international community in general, and above all the victims and their survivors.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): I would like to thank President Robinson and Prosecutor Brammertz for their briefing on the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY). I would also like to thank President Byron and Prosecutor Jallow, on the behalf of the Chinese delegation, for their briefing on the work of the International Criminal Tribunal for Rwanda (ICTR).

We have noticed that, during the past year, the work of the two Tribunals has continued to progress. We appreciate the efforts of the two Tribunals to implement the completion strategy. We also appreciate the support provided by the relevant countries in this respect.

Since the start of the completion strategy, the two Tribunals have worked to improve their working methods and procedures to accelerate their work. These efforts deserve our recognition. However, as we approach the first deadline for the completion strategy, neither Tribunal has been able to complete the trials of all the cases on schedule. We do not believe that either Tribunal desires this outcome. While we can understand the pressure that the two Tribunals face, we hope that it will motivate them to speed up and be more effective in their future work.

On the one hand, the Tribunals should continue to explore the possibility and feasibility of improving their working methods and make full use of all the available resources to enhance the efficiency of trials and do what they can to avoid delays for any reason; on the other, the Tribunals should continue to transfer cases to the national jurisdictions concerned, which is also a core element of the completion strategy. All work concerning the transfer of cases and fugitives should be strengthened and be given priority.

The issue of the legacies and residual tasks of the Tribunals is already on the agenda. The Security Council's Informal Working Group on international tribunals has been working on this issue for a year and has made some progress. During this process, the

Tribunals have issued several commentaries on this matter. In particular, this autumn they invited the Informal Working Group for a visit for an important face-to-face exchange of views. While we welcome the participation of the two Tribunals in studying the relevant issues, we also believe that the question of legacies and residual tasks should be studied and settled in a pragmatic manner.

In this regard, while the difficulties of the issues and the work involved should not be minimized nor dismissed, neither they nor the workload should be exaggerated. On this basis and on the basis of the schedule of the completion strategy, solutions should be arrived at judiciously in a feasible, economic and proper manner.

I would like to take this opportunity to thank my colleague from Belgium for his efforts in chairing the Security Council Informal Working Group.

We expect that the two Tribunals will continue towards the target of the completion strategy set by the Security Council and make further efforts to reach this target. During this process, we are prepared to consider any feasible or reasonable proposal for the speedy realization of the completion of the strategy.

The President: I would now like to make a statement in my capacity as the representative of Croatia.

I would like to welcome the presence of the Presidents of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Byron and Judge Robinson — who has addressed the Council for the first time today — as well as Prosecutors Mr. Jallow and Mr. Brammertz.

I thank them for their respective reports and would like to make a few remarks, primarily regarding the ICTY, given the importance my country attaches to its work. Croatia welcomes the commitment with which both Tribunals continue to advance their respective exit strategies, as reflected in today's reports.

We understand that the Tribunals are expected to fulfil their mandates as early as possible without compromising their standards or the integrity of the judicial process. We also understand that the failure to locate and arrest the remaining fugitives constitutes a major obstacle to that goal.

The arrests this year of the fugitives Radovan Karadzic and Stojan Zupljanin, while long overdue, mark an important benchmark in completing the ICTY's mandate. We hope to see an early beginning of their trials. We are pleased to hear that the arrest and trials of the remaining fugitives, Ratko Mladić and Goran Hadžić, who have been indicted for some of the most atrocious crimes committed in post-Second World War Europe — namely the massacres committed in Srebrenica and Vukovar — remain a priority for the ICTY.

We should not forget that the Tribunals continue to operate in societies that still struggle to overcome the legacies of the past and are still trying to heal from within. For instance, in Bosnia and Herzegovina only last week another mass grave was unearthed in the vicinity of Srebrenica, containing the remains of close to 1,000 victims who were killed under the command of General Ratko Mladić 13 years ago.

An early advocate of the establishment of the ad hoc Tribunals, Croatia cannot emphasize strongly enough the vital importance of the judicial process in individualizing criminal responsibility for the crimes committed in both the former Yugoslavia and Rwanda. To quote my Prime Minister Ivo Sanader, who addressed the General Assembly this fall regarding these issues: "Just punishment must also serve truth and open the way to lasting peace, security and reconciliation". That is why it is crucial that the remaining fugitives also face justice. Their impunity must not outlive the existence of the Tribunals.

We know that, without the unreserved support of the entire international community, the international tribunals remain powerless.

For its part, Croatia remains committed, as always, to full and unequivocal cooperation with the Tribunal. Over the years, the Croatian Government has demonstrated the seriousness of its commitment by developing a close working relationship and extending its assistance to the Tribunal on a host of different issues, including by granting access to a staggering amount of sensitive documentation emanating from the highest military and police authorities. It is in our shared interest to continue cooperating in good faith and in a responsible and professional manner.

I would like to stress that, in Gotovina's case alone, the Croatian Government has delivered close to 2,000 specific and sensitive police and military

documents, as requested by the Office of the Prosecutor. This clearly indicates that extensive and intense cooperation does exist and will continue in the future, because the search for additional documents is still ongoing.

Croatia is determined to do all in its power to meet the Prosecutor's remaining request. This is the message that has been unequivocally conveyed to the Prosecutor from the highest State authorities, and to that end the Government has, over the reporting period, undertaken a number of operational measures — administrative, as well as investigative and judicial steps — against certain individuals. Croatia continues to conduct administrative and criminal investigations with the aim of determining whether those documents exist and if they were unlawfully taken and, if so, of identifying the persons responsible and bringing them to justice. We note that the Prosecutor has taken into account the additional steps that Croatia has taken since the submission of his written report.

As the Tribunals enter the last phase of their existence, Croatia is pleased to be in a position to take part in the ongoing discussions and to share its insight and experience on their residual functions, which will have to continue even after the completion of the trials. Allow me to use this occasion to thank the delegation of Belgium, which facilitated this process, for its efforts and dedication. My Government, which has developed a close working relationship with the International Tribunal for the Former Yugoslavia and is determined to continue its domestic efforts to prosecute war crimes committed in its territory since 1991, has a special interest in finding a sustainable, just and practical solution for discharging the Tribunals' residual functions, notably those related to the future of the Tribunals' archives and the modalities of the serving of sentences.

The Tribunals continue to have our full support as they carry out the remainder of their mandate. In this, we are guided by the goal for which they were established: closing the impunity gap. This will be their most important heritage. That is why the international community cannot afford to declare their mandates complete before every effort has been made to bring those most responsible to justice, however long it takes.

I now resume my functions as President of the Security Council.

I now give the floor to the Minister of Justice and Attorney General of Rwanda.

Mr. Karugarama (Rwanda): I thank you, Sir, for the opportunity to contribute to this debate. My delegation wishes to thank the President and the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) for their comprehensive reports on progress made in effectively discharging the mandate of the ICTR.

The ICTR has registered progress in the discharge of its mandate. Some of the most notorious genocide suspects have been arrested and brought to justice. An increasing number of countries have increased their cooperation with the court. A number of countries have responded to Rwanda's call to arrest and extradite other genocide suspects whose cases do not fall under the mandate of the ICTR. Rwanda has consistently and persistently cooperated and supported the ICTR and will continue to do so.

As a result of the legal powers and resources vested in the court, as well as the specific support that Rwanda provides, the ICTR has managed to register significant achievements. We are informed, for example, that before Christmas the ICTR will read one of the long-awaited judgements in the case involving four senior ex-military commanders: Théoneste Bagosora, Gratien Kabiligi, Anatole Nsengiyumva and Aloys Ntabakuze.

In 2003, the Security Council adopted resolution 1503 (2003) providing for completion of the ICTR's activities. The resolution set two deadlines for completion: December 2008 for all trials and December 2010 for all appeals. The resolution further directed that those cases that may not be completed within the set deadlines — especially those involving mid- and low-ranking suspects — should be transferred to national jurisdictions, including Rwanda's. Under the resolution, the ICTR was required to devise an implementation strategy and to report to the Security Council on its effective implementation.

As part of the implementation of the resolution on completion, the ICTR Prosecutor began consultations with the Government of Rwanda on possibilities for transfer of cases to Rwanda. The transfer to Rwanda is based primarily on the fact that the crimes falling under the ICTR's mandate were committed in Rwanda, mostly by Rwandans and against fellow Rwandans. The evidence and witnesses

used by the court are mainly from Rwanda. The ends of justice administered by the Tribunal are supposed to be more visible in Rwanda than elsewhere. That makes Rwanda the State most responsible for and concerned in the pursuit of justice over those crimes. In that regard, Rwanda has found it imperative to participate fully in the determination of matters pertaining to the ICTR, particularly the completion process.

Over the past three years, Rwanda has been preparing to handle ICTR transfer cases. The preparations were done in consultation with the Office of the ICTR Prosecutor. As part of the preparations, a comprehensive piece of legislation was passed in March 2000 to govern the transfer of cases from the ICTR and any other State to Rwanda. The law provides sufficient guarantees for fair trial. It was negotiated between the ICTR and Rwanda and is specifically based on the ICTR's rules of procedure and evidence, as well as other best practices recognized and applied by the ICTR. The law allows the ICTR to monitor trials and recognizes the ICTR's primacy and right to call back transferred cases in the event that the requisite standards are not met.

Modern courtrooms have been prepared. For the past two years, a joint programme has been running between ICTR and Rwanda under which we have conducted familiarization, interaction and training between the ICTR and Rwandan judges, prosecutors and members of the bar association, including court administrative support staff. A modern holding cell has been constructed in Kigali to accommodate ICTR detainees who will be appearing in court in Kigali.

Both the Prosecutor and the Tribunal's Registrar have conducted a series of visits to Rwanda to verify Rwanda's readiness and willingness to receive ICTR's outstanding caseload. They have expressed their satisfaction with the level of readiness attained by Rwanda's judicial institutions in that regard. We have been able to make these preparations with the bilateral and multilateral support of our development partners, including some members of this Council.

Following a judicious assessment of Rwanda's competence to handle transfer cases, the ICTR Chief Prosecutor made requests to the ICTR judges to transfer some of these cases to Rwanda. Five requests were filed by the Prosecutor with the court. In all the requests, Rwanda supported the ICTR Prosecutor by presenting evidence of its readiness and willingness to handle the cases according to the required standard. Rwanda appeared as amicus curiae in those requests. Despite all these efforts, the ICTR judges rejected four of the applications, and one is still pending.

The ICTR has acknowledged that Rwanda has attained a sufficient level of competence in its legal and judicial system. However, inadequacies still exist. These inadequacies are common to all systems and are not insurmountable. There are remedial measures inherent within our judicial system that seek to address the concerns raised by the ICTR judges in their decisions, for example on witness protection and equality of opportunity for the prosecution and the defence. Rwanda has addressed most of those concerns and will continue to do so. We therefore urge the ICTR Judges to re-examine the transfer of cases to Rwanda.

We reiterate that ICTR decisions have the effect, unfortunately, of undermining the trust and confidence that Rwanda has painstakingly built. It is this trust and confidence that have led certain Governments to apprehend some of the most wanted fugitives, found on their respective territories.

However, we are particularly concerned that, for example, on the basis of the ICTR decisions, the German judicial authorities, citing ICTR precedent, released two notorious genocide suspects — namely Callixte Mbarushimana and Rwabukombe Onesphore — and only a few a days ago a French appellate court released another genocide suspect in spite of the overwhelming evidence, again citing ICTR precedent.

The ICTR rulings rejecting the transfer of cases to Rwanda almost amount to an invitation to States not to cooperate with the transfer and apprehension of these fugitives. That is why we call upon the Security Council to consider this matter as the potential cause of a serious judicial impasse that will definitely create an impunity gap, and we invite the Council to take remedial measures accordingly.

We re-emphasize that the fugitives still at large are not limited to the 13 appearing on the ICTR list. It is very important for this Council to ensure that the conclusion of the ICTR mandate does not become an amnesty for those not included on the ICTR condensed list. Rwanda appreciates the continued efforts of some Governments to apprehend the fugitives. The proceedings for their extradition to Rwanda are currently under way in various countries, notably the

United Kingdom, Sweden, New Zealand, Finland, the Netherlands and Canada, to mention but a few.

The ICTR statute, in article 26, makes Rwanda the primary destination for convicted persons to serve their sentence. In 2001, the ICTR transferred six convicts to another jurisdiction without due regard for the provisions of article 26 and without serving notice to Rwanda, as required under rule 103 of the Tribunal's rules of procedure. In March 2008, an agreement for the transfer of convicts to Rwanda was finally signed between the ICTR and the Rwandan Government. This agreement has been ratified by both chambers of the Rwandan Parliament. In spite of that agreement and its ratification by our Parliament, about two weeks ago the ICTR transferred two other suspects, Hassan Ngeze and Ferdinand Nahimana, to the Republic of Mali.

We are aware that 10 others may soon be transferred to another State in an outright breach of the spirit of the very statute that established the ICTR. We believe that the transfer of cases and of convicts to Rwanda will make justice apparent to Rwandans, who are both the victims and the perpetrators of the genocide. Our reading of the spirit and intent of article 26, in juxtaposition with rule 103 of the Tribunal's rules of procedure, would indicate that Rwanda should be the favoured destination for the transfer of cases and convicts, and that this should be the rule rather than the exception, as has been the case. The ICTR should feel the compelling need to have justice not only done, but also seen to be done by Rwandans, who are the primary beneficiaries of its mandate.

Lastly, the issue of the transfer of archives to Rwanda remains pending. Consultations have been ongoing with the team designated to study and make recommendations on the matter. We have reiterated our desire and readiness to take full custody of the archives. Rwanda has submitted a formal request to the Security Council, expressing our desire to have the archives stored and managed in Rwanda. We hope for the best in the Council's decision on the matter.

At this crucial juncture, Rwanda shares the Council's desire to reach a reasonable and effective conclusion to the ad hoc mandate of the Tribunal. We therefore urge the Council to do all within its power to ensure that the ICTR completion strategy is reached without undermining the fight against impunity — or creating an impunity gap — and the efforts of my Government in that regard.

The President: I now give the floor to the representative of Serbia.

Mr. Jevremović (Serbia): At the outset, I would like to congratulate Judge Patrick Robinson on his appointment to the post of President of the International Criminal Tribunal for the Former Yugoslavia (ICTY). I would also like to take this opportunity to recognize the contribution that Judge Fausto Pocar made to the proceedings of the Tribunal while he was its President.

Serbia expresses its gratitude to Judge Robinson and Mr. Serge Brammertz, the ICTY Prosecutor, for their efforts in compiling their comprehensive reports. We appreciate the fact that the substance and thrust of the reports are in agreement with our own assessment of the level of cooperation achieved so far. The reports recognize Serbia's efforts to comply with its legal and moral obligations, as well as the difficulties encountered with regard to cooperation, such as in the areas of witness protection. They also acknowledge the commitment of Serbian authorities to address those difficulties and affirm that joint efforts will be made to overcome them. That recognition is an illustration of the growing belief in the political will and commitment of Serbia to fully cooperate with the Tribunal and in its resolve to apprehend the two remaining fugitives, namely, Ratko Mladić and Goran Hadžić.

Over the past two weeks, following the publication of the Prosecutor's report, Serbia provided additional information to the ICTY Prosecutor's Office in connection with the case of Momčilo Perišić and redoubled its efforts to resolve the issue and improve its overall cooperation with the Tribunal. Also, in order to keep the international community informed, Serbia circulated a detailed report yesterday on the Government's activities related to cooperation.

We fully support the ICTY completion strategy, defined by resolutions 1503 (2003) and 1534 (2004). Based on that strategy, the ICTY has identified the 12 most important functions of the residual mechanism to be set up upon the completion of the Tribunal's activities. The issue of the ICTY's archives is described as one of the most important of those functions. Serbia is interested in the ongoing dialogue on functions, in particular on the issue of the archives. On 23 October 2008, the Government of Serbia took its own position on the issue and advised the ICTY and the Security Council accordingly. We would like

interested States to be given greater consultation possibilities, with a view to enabling them to make constructive contributions to the process of formulating the residual mechanism.

In conclusion, let me reiterate once again Serbia's commitment to full cooperation with the ICTY. The reports presented to the Council also take note of that commitment. My country is resolved to continue to make its contribution to the proceedings of the Tribunal and will make every effort to assist the Tribunal to bring its work to a successful conclusion, thereby ensuring the Tribunal's lasting legacy.

The President: I now give the floor to the representative of Bosnia and Herzegovina.

Ms. Čolaković (Bosnia and Herzegovina): First of all, my delegation would like to welcome the Presidents and Prosecutors of both Tribunals. I would also like to express my deepest appreciation to the President and Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY) for presenting their report (see S/2008/729). We are also grateful for the assessments they contain.

The work of that Tribunal has been crucial, and continues to be crucial in advancing the cause of justice in my country and in the countries of the region. It is important that the Tribunal leave an international criminal justice legacy for the future, reaffirming the very idea that there can be no reconciliation without justice, no justice without law and no meaningful law without a court to decide what is just and lawful.

The consistently positive assessments in the reports regarding cooperation between Bosnia and Herzegovina and the ICTY prove the strong determination of my country to serve justice. In addition, the War Crimes Chamber of the State Court of Bosnia and Herzegovina is fully operative, demonstrating the willingness and capability of my country to conduct such trials. Bosnia and Herzegovina will continue to provide access to Government archives upon official requests from the ICTY.

My country recognizes and commends the efforts of Prosecutor Serge Brammertz in securing justice for victims and their families. We reiterate our readiness to continue to cooperate fully in that regard.

Bosnia and Herzegovina welcomes the arrest of two of the four most wanted fugitives, Radovan Karadzić and Stojan Župljanin. Their arrest represents a major breakthrough. However, much remains to be done to arrest the two remaining fugitives and bring them to the Tribunal in The Hague. Bosnia and Herzegovina therefore calls for the immediate arrest of the two remaining indicted war criminals who are still at large, Ratko Mladić and Goran Hadžić. We fully support the continuation of the work of the Tribunal until justice is brought to the families of the victims. Only then can we say that the mandate of the Tribunal is complete.

The implementation of the completion strategy remains of great concern to us. We are aware that the strategy's residual mechanisms are very complex and require further consultations within the relevant bodies of the United Nations. Those mechanisms should be carefully designed in order to address the issue of prosecuting those subject to outstanding warrants and arrest and to ensure that impunity is not an option.

Bosnia and Herzegovina appreciates the valuable support provided by the United Nations and its Member States for the work of the Tribunal. We look forward to the continuation of that support until all conditions are met for the end of the Tribunal's mandate.

In order to live up to the spirit and letter of the Universal Declaration of Human Rights, whose sixtieth anniversary we commemorate this year, we the Member States and the United Nations — depositary of the Declaration — should not hesitate to fully support the Tribunal in order to send the strong message that crime will not remain unpunished.

The President: I now give the floor to the representative of Kenya.

Mr. Muita (Kenya): I wish to express my appreciation to you, Mr. President, and the other members of the Council for allowing me to participate in today's debate.

At the outset, I wish to thank the Presidents and Prosecutors of the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY) for their comprehensive reports, submitted to the Council in conformity with the respective statutes establishing the two separate Tribunals.

Kenya strongly supports the international criminal justice system. We recognize that the ad hoc Tribunals established by the Council and the

International Criminal Court (ICC) must provide and protect the proper administration of justice by prosecuting those who promote impunity. To that end, the cooperation of Member States is critical if the Tribunals are to succeed in restoring justice, securing peace and preventing mass atrocities in the future. Kenya takes seriously its international obligations to cooperate fully with the international community in that regard.

Kenya appreciates the work of both Presidents for the manner in which they have conducted the affairs of the respective Tribunals. My delegation, however, wishes to comment on the work of the Prosecutor of the ICTR, particularly on the issue of fugitives.

I have listened carefully to the statement by the Prosecutor of the ICTR concerning a fugitive who is wanted by the Tribunal for prosecution. In his statement the Prosecutor mentioned the case of Félicien Kabuga, who, among other indictees, has not been apprehended to face justice. He alluded to the presence of the fugitive in Kenya. These allegations are not only untrue, but also of grave concern to my country.

I would like to emphasize that in the Kabuga case, the Government of Kenya has fully cooperated with the ICTR officials, as called for by the Security Council. For the past three years, the Government of Kenya has been engaged with the Prosecutor's Office, largely through the Joint Kenya-ICTR Task Force. In demonstrating our commitment to the cause of the ICTR, in May 2008 the Government obtained an order from the High Court of Kenya freezing property belonging to the estate of Mr. Kabuga.

In the past Kenya has arrested and surrendered to the ICTR some of the Rwandese fugitives found within Kenyan territory. In the same spirit, should Mr. Kabuga ever be found on Kenyan soil, he will likewise be apprehended and surrendered to the Tribunal. The nature of fugitives is such that they hide and at times send those who are pursuing them in the wrong direction. Therefore the search for Kabuga should be widened to cover other areas, because we might be over-concentrating on Kenya, whereas the fugitive could be living comfortably elsewhere.

In conclusion, I wish to assure the Council of my Government's unwavering cooperation with the court in all respects, and of her continued commitment to the high ideals of international criminal justice and eradication of impunity. We will continue to implement the recommendations of the Joint Kenya-ICTR Task Force.

The President: I now give the floor to Judge Byron, President of the International Criminal Tribunal for Rwanda, to respond to questions and comments.

Judge Byron: I wanted first to express appreciation to those delegations who especially expressed support for the applications before you. I would like to comment that approval would assist us in attaining the objectives of the completion strategy.

I also wish to express my thanks for the general support that all Member States have expressed. I wish to give assurances that we will continue to do our utmost to earn their continued support and to justify the expressions that have already been made.

I must also take this opportunity to join with the Member States who have congratulated Belgium on its chairmanship of the Working Group. From the perspective of our Tribunal, we think we have benefited enormously from the opportunity to interact and to share and exchange views on the issue of residual mechanisms. I think I should probably put on record that our Tribunal benefited enormously from the visit of the Working Group, and we thought it had an important impact on the improvement of the morale of the Tribunal's staff. So I wish to express our appreciation.

We have taken note of the remarks by Member States concerning the issue of the referrals. I want to assure the Council that the Tribunal is continuing the capacity-building relationship with Rwanda, to the extent that our trust fund allows us to. This, of course, gives me the opportunity to once more invite Member States to provide additional support to our capacity-building efforts by contributing, if they wish to, to the Voluntary Trust Fund, which supports these efforts.

The decisions already taken on referrals do not undermine the fact that referrals continue to be part of our completion strategy. As the Prosecutor has mentioned, he is still engaged in investigations and discussions, and it is open to him, when he considers that changes have been made that justify a new application, to renew his application before the court to achieve this goal.

Lastly, I wish to express appreciation for the strong statements that have been made concerning the

continuing support for the arrest of the remaining fugitives. We also feel that that will assist in completing the fight against impunity and in the satisfactory completion of our mandate.

The President: I thank Judge Byron for his clarifications. I now give the floor to Mr. Jallow, Prosecutor of the International Criminal Tribunal for Rwanda, to respond to questions and comments.

Mr. Jallow: Like President Byron, I would like to reassure our Rwandan colleagues that, as a matter of policy, the ICTR is indeed committed to the transfer of cases in accordance with the conditions that are laid down in our rules. It will be recalled that we have two systems of transfer: a Prosecutor to prosecute a transfer, and a transfer of cases of indictees. Under the initial system, I have already handed 30 files over to the Rwandan prosecutor-general for him to consider investigating and, if possible, prosecuting. The transfer of indictees, of course, is governed by the rules of procedure and evidence of the Tribunal.

While we have recognized the tremendous efforts and progress that Rwanda has made in trying to satisfy those conditions, we believe the best way out of the impasse is for further measures to be taken that would enable me — as I said earlier — to go back to the judges with fresh applications for reconsideration of the earlier decisions, measures that need to be taken by Rwanda in order to meet the concerns of the judges. I think that is the best way out of the impasse.

I also wanted to reiterate, with regard to the case of Kabuga, that the information I bring to the Council concerning his entry and residence in Kenya and his business activities there is not based on a unilateral investigation by the Office of the Prosecutor. Some three years ago a joint task force was established by the ICTR and the Kenyan Government, comprising the investigators from the ICTR and members of the Kenya police force. They have submitted a series of reports. It is those reports that have documented Kabuga's entry into the country, from immigration records that are available in Kenya, his application for residence and the approval of his residence and of his visa, his establishment of various businesses in the country, his opening of bank accounts, et cetera. It is information collected jointly by the Kenya police and by the ICTR investigators. It is therefore surprising that it is being described as untrue by the representative of Kenya. It is information that is available to the Kenya Government.

Since those reports were submitted, as I said, the only step taken was in May, in relation to one property. There are bank accounts there, some of which, it is suspected, were operated by his colleagues. There is at least one account in his own name, in respect of which no steps have been taken so far by the Government of Kenya. No steps have been taken either in respect of the businesses which he is suspected of running with colleagues.

It is not for the ICTR to implement the recommendations of that task force, because we do not have the mandate to do that in Kenya or in any other country. The Tribunals do not have the powers to make such an arrest in any country; that is for national law enforcement authorities to do. The Tribunal does not have powers to freeze assets and accounts in any country; that is for national authorities to do. Therefore, it is now the responsibility of the Government of Kenya to move forward to implement those recommendations, which have been put together in a report jointly prepared by the ICTR and the Kenyan police, and not unilaterally by the ICTR alone.

I would just wish to appeal to my colleague to reiterate the message to his colleagues back home that, having worked with the ICTR until we were able to unearth a lot of information concerning Kabuga's activities in Kenya and reached the point at which we have been able to make a number of recommendations, he should urge his colleagues in Nairobi to now move forward towards implementing those recommendations, which were jointly arrived at.

Beyond that, I should like to thank you, Sir, and the members of the Council for your continued support to the work of the Tribunal.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

May I take this opportunity, on behalf of the Security Council, to thank Judge Robinson, Judge Byron, Prosecutor Brammertz and Prosecutor Jallow for taking the time to brief the Security Council.

The meeting rose at 1.45 p.m.

United Nations S/PV.6042

Security Council

Sixty-third year

Provisional

6042nd meeting

Friday, 12 December 2008, 3.40 p.m.

New York

President:	Mr. Jurica	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Panama	Ms. Jácome
	Russian Federation	Mr. Safronkov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in Chad, the Central African Republic and the subregion

Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/760)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-64451 (E)

The meeting was called to order at 3.45 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Chad, the Central African Republic and the subregion

Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2008/760)

The President: I should like to inform the Council that I have received letters from the representatives of the Central African Republic and Chad, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item without the right to vote, in accordance with the relevant provision of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Poukré-Kono (Central African Republic) and Mr. Allam-mi (Chad) took seats at the Council table.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Victor Da Silva Angelo, Special Representative of the Secretary-General and Head of the United Nations Mission in the Central African Republic and Chad.

It is so decided.

I invite Mr. Angelo to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/760, which contains the report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad.

At this meeting the Council will hear a briefing by Mr. Victor Da Silva Angelo, Special Representative of the Secretary-General and Head of the United Nations Mission in the Central African Republic and Chad. I now give the floor to Mr. Angelo.

Mr. Angelo: Thank you for the opportunity to brief the Council on the Secretary-General's report of 4 December 2008 on Chad and the Central African Republic, contained in document S/2008/760. I regret the late submission of this report, which was a result of the need to ensure that the Governments of both Chad and the Central African Republic were fully consulted on the proposed United Nations force. The report contains a refined plan and concept of operations for the proposed force and reflects an extensive process of consultation with the relevant parties.

Following my last briefing on 19 September, the Council, in resolution 1834 (2008), stated its intention to authorize the deployment of a United Nations military force to succeed the European Union-led military force (EUFOR) in Chad and the Central African Republic and requested an update on the planning and preparations for such a transfer of authority. For this purpose, a Technical Assessment Mission visited Chad and the Central African Republic in October and, subsequently, the United Nations held extensive discussions with both Governments, troop-contributing countries and EUFOR.

The Chadian government initially expressed reluctance to accept a United Nations force of 6,000 troops, stating that the security situation had improved in recent months and that such a force would place an excessive burden on the environment. High-level consultations were held in New York and in the field. On 29 November, during a meeting with the Secretary-General in Doha, President Déby gave his consent to the deployment of a force of 4,900 troops in eastern Chad. To provide for a force of 4,900, feasible reductions were identified, including helicopter support troops, signal units, special forces, reconnaissance units and logistical elements. This will reduce the logistical support and enablers to a minimum. Any further adjustments in the force would seriously impact its ability to implement the mandate.

In relation to the specific request by the Council that the United Nations establish a military presence in the northeastern region of the Central African Republic, the report presents three options. Should the

Security Council desire to establish a permanent military presence in northeastern Central African Republic, the force would need to have a more visible and wider ranging presence than that of EUFOR and it would also have to possess the capability to undertake regular patrols to Sam Oundja, 200 km south of Birao, where an important refugee camp is located.

In the meantime, the Secretariat has been actively engaged in the force generation process to ensure that there is no security vacuum at the end of EUFOR's mandate. So far, 16 nations have indicated their willingness to positively consider contributing to a force under the auspices of the United Nations Mission in the Central African Republic and Chad (MINURCAT), but their firm commitment is contingent on assurances that other troop-contributing countries would provide enablers, such as the medical level II hospital. In order to ensure the smoothest possible transition, commitments from EUFOR contributors to re-hat, even for a transitional period, need to be confirmed in the coming days.

Beyond the re-hatting of troops already on the ground, MINURCAT will require strong support from Member States with regard to force generation, including equipment and enablers. Given the fluid security situation, challenging geography and climate, the United Nations force must be highly mobile. I encourage all Member States to provide the necessary troops and support elements as soon as possible.

To succeed in the implementation of its mandate, the United Nations force must also have full freedom of movement. Prior to its deployment, the status-of-forces agreement between the United Nations and the Governments of Chad and the Central African Republic should be concluded, in addition to a memorandum of understanding in relation to infrastructure and the transfer and use of EUFOR sites.

Following the meeting between the Secretary-General and President Deby in Doha, a team of senior technical experts will travel to the region next week to further the consultations with national authorities on legal and administrative arrangements. In the meantime, MINURCAT has already engaged the appropriate authorities on the substance of those arrangements.

The situation in Chad remains fragile. The domestic political process, within the agreement of 13 August, has known some progress with the submission to the National Assembly of the draft bills on electoral reform. Progress in the implementation of the Sirte Agreement of 25 October 2007 between the Government of Chad and the main rebel groups has been limited. Both Chadian armed forces and rebel groups have reportedly strengthened their positions on either side of the border in recent months.

The regular meetings of the Contact Group established under the Dakar Agreement of March 2008 and the recent resumption of diplomatic relations between Chad and the Sudan are encouraging. MINURCAT will continue to support the Contact Group, as the normalization of relations between the two countries is critical for improved security in that situation.

I wish to add that today my colleagues in the Sudan — the Special Representative of the Secretary-General for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the Special Representative of the Secretary-General for the United Nations Mission in the Sudan — have been contacted by senior Government officials, and they were told that the Government of the Sudan has identified a column of members of the Justice and Equality Movement with a large number of vehicles. We do not have confirmation of that information from the Sudanese Government, but we will certainly be very worried if that information is confirmed, because we really believe that the relations between Chad and the Sudan should normalize as part of the security and stabilization in the region.

On the humanitarian front, Chad continues to face a serious humanitarian crisis. Furthermore, reports of militant activity in the camps, including the recruitment of child soldiers, are very disturbing. So too is the ongoing prevalence of attacks and security incidents against humanitarian workers and the civilian populations.

The Mission has continued to work with Chadian authorities to facilitate the training and deployment of the Détachement Intégré de Sécurité (DIS), following its official establishment in late September. The target of training 850 DIS officers should be achieved in January 2009. The deployment of the DIS is ongoing despite significant logistical constraints.

As of today, the MINURCAT managed trust fund has received a little bit more than $19 million in donor contributions, of the estimated $23 million required to support the DIS in its first year of operations. The trust

fund is being depleted faster than expected and we are working very closely with the Government and with Headquarters to make sure that the trust fund can be replenished as soon as possible. We may have some time at the beginning of next year to call an international donors conference. In the meantime, it is important that donors continue to provide support to the trust fund.

I am also pleased to report the excellent cooperation with the Governments of Chad and the Central African Republic, with EUFOR, the United Nations country team and also the humanitarian community. MINURCAT will continue to collaborate and consult extensively with all relevant partners in the implementation of its mandate.

Let me conclude by saying that MINURCAT is committed to help create the security conditions conducive to a voluntary, secure and sustainable return of refugees and displaced persons. It is nevertheless important to stress that stability in Chad is also dependent on the serious engagement of everyone in Chad — the Government and opposition leaders — in a democratic dialogue towards political inclusiveness and good governance. Working in collaboration with the international community, the United Nations stands ready to assist the parties in the peaceful settlement of their differences.

The President: I thank Mr. Angelo for his briefing.

I now give floor to the representative of the Central African Republic.

Mr. Poukré-Kono (Central African Republic) (*spoke in French*): I would like to thank you, Sir, for giving me the opportunity to take the floor and explain the position of the Government of the Central African Republic on the report of the Secretary-General (S/2008/760), which we believe is of major and decisive importance to the future of our country. But first of all, I wish to congratulate the Republic of Croatia and you, Sir, on your assumption of the presidency of the Security Council for the month of December 2008.

We welcome the report before us, which deals with the extension of the United Nations Mission in the Central African Republic and Chad (MINURCAT), its military component and the transfer of authority from the European Union-led military force (EUFOR), whose mandate will end soon, to a United Nations military component.

We wish to thank the Special Representative of the Secretary-General and Head of MINURCAT, Mr. Victor Angelo, for his useful and helpful presentation of the report. However, the report has prompted my delegation to ask a few questions, which, if permitted, we would like to voice now.

Are the defense and security forces of the Central African Republic sufficiently battle-tested to be able to ensure safety and security in the north-eastern part of the country? The situation in that region is unclear, so should the civilians and refugees from other countries who are there just be abandoned? The recent withdrawal of humanitarian workers because of a lack of security was heartbreaking. However, can bad weather conditions prevent troops from continuing to move around in a time of war? Are those signs that people are tired of the Central African problem?

The security issue in the Central African Republic is relevant and topical today. There is a very complex crisis in the subregion, in particular in Darfur. There are people who are forced to flee because of violence; there is poverty and trafficking of illicit weapons. The armed forces are unable to control bandits or to impose order. Those are all issues that must be addressed over time.

As Council members are aware, the Central African Republic is trying to emerge from two decades of political and military upheaval that thwarted any attempts at development. The inclusive political dialogue began on 8 December and demonstrates that the people and Government want to turn the page of history. That is a significant step forward and cannot be ignored. But the Central African Republic is still too fragile for it to attempt to resolve all of its sovereign responsibilities. It needs the support of the international community, and we appreciate the efforts that have been made.

The United Nations technical assessment mission completed its report and has offered its assessment. We welcome the excellent report. But we are left wondering, because there is no reference to the exchanges with the authorities of the Central African Republic except for a reference to the confirmed desire to have a United Nations presence in the north-eastern part of the country. Council members should read

between the lines with regard to discussions with the country.

My delegation has another question about the numbers in the three options proposed for military presence in the north-eastern region of the Central African Republic. We have the impression that those conclusions are not the strongest.

The region being discussed today is it must be noted, a sensitive area, which is part of a triangle that includes borders of Chad, the Sudan and the Central African Republic. It is the trade route, via Port Sudan, to reach the Red Sea. It is also a zone rich in mineral resources with abundant fauna, but this animal life has been decimated by poachers over the past two decades of crisis because there has not been a powerfully equipped army in place.

With the Darfur crisis, refugees are pouring in because of rebellions and the reception of internally displaced persons. What used to be a haven of peace is in total upheaval today. Consequently, human rights have been affected and the environment has been devastated.

Humanitarian workers — whom we praise for their bravery and willingness to work in difficult and dangerous conditions — are always welcome. At this point, we believe that stabilization in that part of the Central African Republic has not yet really begun. The State is still trying to begin reforming the security sector. That very long and complex process requires the political will of the Government, which is now evidence, and adequate resources, in addition to the $4 million received from the Peacebuilding Fund. This apparent stability is the result of the presence of EUFOR, since the Central African State has not really re-established its authority in the area.

The persistent instability that we would like to eradicate for good in the subregion also hampers good-neighbourly relations. It is time for concerted action with support from the United Nations to lead to the re-establishment of law and order. We welcome the MINURCAT exit strategy proposed in the report, which is perfectly in keeping with the reform process for the security sector. As has been said by an eminent diplomat, a close link should be created between security sector reform and MINURCAT.

We want to continue cooperating closely with the United Nations system, its humanitarian personnel and associated humanitarian personnel. Out of a desire for continuity and because we do not want to leave any legal vacuum, and, given the fragility of the institutions in the country, the Government of the Central African Republic is therefore requesting that an operational military unit of about 500 troops be kept in the consolidated Birao area for humanitarian, political and economic reasons.

The President: I now give the floor to the representative of Chad.

Mr. Allam-mi (Chad) (*spoke in French*): Mr. President, thank you for this opportunity to contribute my Government's observations on the contents of the report under consideration (S/2008/760).

First of all, I would like to welcome the briefing on the report of the Secretary-General given to us by the Special Representative of the Secretary-General, Mr. Angelo, and also for this opportunity to make my observations on the report.

Our experience with the European Union-led military force (EUFOR) offers us many valuable lessons that can inspire us in the design of the new force to ensure an effective implementation of the original mandate, which strikes us as being both good and clear, given that the international presence in eastern Chad is not a classic peacekeeping operation, as we have often been reiterated.

In this regard, in the context of the fruitful ongoing consultations that will continue to take place in the future between the competent Chadian authorities and the team of the Secretary-General, we believe that we are not far from arriving at definitive shared conclusions that will enable the immediate planning of that force with a view to an effective transfer of authority on 15 March 2009 between EUFOR and the new force. At the same time, of course, we underscore our support for the request made by our Central African brothers and neighbours, as stated by their representative, for the renewal and strengthening of the presence of the United Nations Mission in the Central African Republic and Chad (MINURCAT) in the North-East of their country.

Furthermore, allow me to reiterate my Government's position whereby, in order to guarantee the lasting effects of a United Nations presence in eastern Chad, there are no grounds for giving it a political mandate, given that the political questions

related to the situation in eastern Chad are being addressed in frameworks with which we are well acquainted. Here, too, our position aims simply to ensure heightened efficiency so that the ongoing mediations are not uselessly complicated or duplicative. However, we welcome the fact that the United Nations is supporting this process and will be involved in it.

With regard to the deployment of the Détachement Intégré de Sécurité (DIS), the 850 planned personnel are late in being deployed, given the slowness and limited capacity of the United Nations centre responsible for their early training. We do have a sufficient unit of police officers and gendarmes to offer to MINURCAT. At the same time, we have recommended the increase of the level of the DIS to 1,700 troops. We reiterate our desire that the financing of the DIS should come from the United Nations budget. In its absence, however, we appeal to the international community for its contributions to the Trust Fund.

We agree with those who are of the view that no military force can sustainably guarantee security if the political context underlying the original insecurity does not change. Let us not forget, however, that this force must serve the law, that is, the democratic rule of law that is being established within Chad, and that it must be stronger than the illegal groups that are being maintained from abroad. That means that the establishment of the rule of law and democracy that we hope to consolidate within Chad will necessarily require stability and peace in the country to thwart the obscure strategies of armed groups.

For us, the source of our insecurity comes from the East of our country, which is destabilized by the effects of the crisis in Darfur: Sudanese refugees, displaced Chadians who are victims of Janjaweed attacks, repercussions in eastern Chad of the intercommunity conflicts in Darfur, the exploitation of these conflicts by politicians to establish and use armies to overthrow democratic national institutions, widespread cross-border banditry, and so on.

Without wishing to poison the relationships with our Sudanese neighbours and brothers, we must state nevertheless that we do not understand the observations that certain parties have made in seeking to equate the aggressor and the victim, and to engage in a bizarre dialectic that seeks to justify the causes by the consequences. Refugee camps, displaced persons camps, forced recruitment, including of child soldiers, trafficking in weaponry, violations of human rights in the area and impunity are all clearly the consequences of the Darfur crisis. We would have favoured moving the camps or a true neutralization of the area, while assuming the responsibility of securing our own border. That is the truth of the matter. In Chad, there is no political resolve to favour insecurity or impunity. We do not have sufficient capacity to address the magnitude of the challenges we face in the field. The international community is called on to help us to strengthen our capacity, although clearly not at any price.

Without a doubt, settling the crisis in Darfur will be the fundamental political solution the situation in eastern Chad. We shall spare no effort, if so required, to enable a successful outcome to the negotiations to achieve peace in Darfur. No Sudanese rebel movement in Darfur has received or will receive Chad's support unless it is in the service of peace. The rebels may enjoy of local support owing to the intra-communitarian border war, but that is not the responsibility of the Chadian Government.

To strengthen national cohesion, the Chadian armed groups must renounce the use of force and must return to the country, in full respect of Syrte Agreement of 25 October 2007, rather than refuting the Agreement on the pretext that it has expired or by inventing an alibi in order to continue their subversive operations against the interests of their country.

Additionally and above all, establishing a lasting peace in Chad will require the strengthening of the democratic rule of law in the country through a genuine implementation of the provisions of the political agreement of 13 August 2007. In spite of the inevitable criticism on the part of the opposition, the Chadian Government believes that the process is still headed in the right direction and is committed to seeing the process through to its conclusion in the form of free, transparent elections.

While we are discussing replacing EUFOR with a MINURCAT military component, I would like to convey my country's the gratitude and acknowledgement to the European Union, which has answered our expectations, as well as those of humanitarian workers, seeking to protect people exposed to the prevailing insecurity in eastern Chad.

In particular, we would like to thank France, who initiated this rescue operation and serves as its principle component. We would like to underscore that, in contrast to allegations launched by some against France, which is a long-standing friend of my country, this operation is not seeking to support a regime, but rather to help a country and its people remain standing and survive in view of a security and humanitarian catastrophe that threatens peace and security in the subregion.

We also wish to commend humanitarian workers who, through their activities, risk their lives on a daily basis for the sake of vulnerable people.

Finally, it would be remiss to conclude without repeating the ongoing readiness of the Chadian Government to cooperate with the United Nations with a view to the preparation for the replacement of EUFOR by a military component of MINURCAT.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): At the outset, I would like to thank the Special Representative, Mr. Angelo, for his presentation of the Secretary-General's report (S/2008/760).

I would also like to express particular gratitude to the representatives of the Central African Republic and of Chad for their statements. Statements from countries from the concerned regions add useful elements that members of the Council should take into account, as is the case here.

My country supports the concept of the operations outlined by the Secretary-General in his last two reports. That is, for a military operation of the United Nations Mission in the Central African Republic and Chad (MINURCAT) to replace the European Union-led peacekeeping force (EUFOR) at the expiry of its mandate.

We agree with the Secretary-General's assessment that this force should include a highly mobile and responsive capacity, including a strong air component. Along with other members of this Council, my country has supported the establishment of a United Nations military component and we would like to thank the Secretary-General for the submission of three options in his report.

Taking into account the repeated requests of the Government of the Central African Republic to this Council, and the broad recognition that EUFOR's presence has contributed to improving the security situation in its zones of operation, my country has listened very closely to what was said by the representative of the Central African Republic. In going through the Secretary-General's report we tended to favour the second option, and without a doubt his words have confirmed our beliefs. We hope that the Council and the Special Representative will have a fruitful discussion on the viability and effectiveness of these options.

In regard to the first of these options, we should consider whether this might lead to a most unwelcome security vacuum at this point in time. On other occasions, my country has also underscored the importance for this Council to address the root causes of conflicts and not only the consequences or symptoms of these armed conflicts.

As a result, we wish to agree with the Secretary-General's report on MINURCAT of 12 September (S/2008/601), in which it was stated, in paragraph 83, that

> "the expansion of MINURCAT to include a military component would only be effective if, in addition to its present police, rule of law, human rights and civil affairs mandate, the Mission were mandated to support Chadian stakeholders in addressing underlying causes of insecurity relevant to the safe and voluntary return of refugees and internally displaced persons."

In this regard, we welcome the information contained in this latest report of the Secretary-General considering the activities undertaken by MINURCAT in order to support the Chadian authorities in regard to the judiciary and prisons in terms of the training and deployment of the Détachement Intégré de Sécurité, as well as their joint work with the Government of Chad and with civil society in preventing sexual violence.

In particular, we are greatly interested in MINURCAT's work in promoting reconciliation and dialogue on a local level, as was the case in Kerfi. We would like to seek additional information from the Special Representative concerning these efforts and the lessons learned from that process.

We believe that this form of support activities could be further strengthened and for this reason, we support the recommendations for additional tasks for the Mission outlined in paragraph 83 of the report dated 12 September which recommends, first of all,

"(a) support to national and local authorities in resolving local tensions to enhance the environment for internally displaced persons;

"(b) support the Government's efforts to end impunity for crimes against civilians and humanitarian workers;

"(c) at the regional level, continue to play a role as a observer along with the African Union-United Nations Hybrid Operation in Darfur in the contact group that was established in the 13 March Dakar Accord to monitor its implementation and assist, as necessary, the Governments of Chad and the Sudan in building good, neighbourly relations." (S/2008/601, para. 83)

We believe that through these undertakings and efforts, it would be possible to meet the benchmarks set for MINURCAT's withdrawal as listed by the Secretary-General in section IX of this latest report.

On the regional situation, once again, my country would like to emphasize the importance of this context and would like to congratulate the Government of Libya and the Contact Group for their important efforts in seeking to improve relations between Chad and the Sudan.

We welcome the news of the exchange of Ambassadors between these two countries and hope to see a successful implementation of the deployment of a peace and security force along the border between these two countries as agreed.

Finally, once again, we must condemn the attacks and the harassment of humanitarian workers in eastern Chad, behaviour which is wholly unacceptable, particularly in view of the lives of the men, women and children whose lives depend on this assistance. We hope that the deployment of the second MINURCAT force will provide hope and relief to these persons.

Mr. Ripert (France) (*spoke in French*): First of all, I would like to thank Special Representative Angelo for his briefing. I would also like to thank the Permanent Representatives of Chad and the Central African Republic. I believe their statements offered important positive information about the activities and the results of the United Nations Mission in the Central African Republic (MINURCAT) and the European Union-led military force (EUFOR).

My comments will focus on four points. First, the civilians in North-East Central African Republic and eastern Chad are still in a very vulnerable situation. Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs, who recently visited the region, spoke to us about this last week. The Darfur crisis continues to have humanitarian and security consequences in the region, many civilians still need international assistance in order to survive.

Like the representative of Chad, we welcome the work of humanitarian workers on the ground and urge all parties to scrupulously respect their security and their freedom of movement. Naturally, we condemn the banditry to which they continue to be subject. We are also very disturbed by information that cites armed groups recruiting in refugee and internally displaced persons camps, and we once again call for the respect for the civilian and humanitarian nature of the camps.

Secondly, we agree with the Secretary-General's assessment of the positive results of EUFOR in Chad and the Central African Republic. That operation, in keeping with its mandate, has helped to improve the security conditions in which humanitarian assistance is provided. Mr. Holmes also stressed to the Council that the international presence had helped to stabilize the security situation, to reassure vulnerable civilian groups and to improve security for humanitarian workers. Of course, not all of problems are resolved — far from it — and this is certainly no time for the international community to relax its efforts. Nevertheless, we would stress in particular the initially encouraging return of some internally displaced persons in Chad, which was precisely one goal of the European Union and United Nations missions. EUFOR, the European Chad-Central African Republic mission, the largest military operation of the European Union to date, is thus another important example of how the European Union can support United Nations action.

Thirdly, we stress the importance of the role of MINURCAT and the Détachment Intégré de Sécurité (DIS) reiterate our full support for the work of the Special Representative, and welcome cooperation between the Chad authorities, the United Nations and the European Union on the ground, as did the Special Representative himself. We welcome the initial deployment of the DIS, which was somewhat delayed at first. We hope that it will be fully deployed very soon and command Mr. Angelo's personal commitment in this context. The multidimensional presence created

by resolution 1778 (2007) offers a novel structure in which one part cannot succeed without the other.

Fourthly, we would like to thank the Secretary-General for his latest report to the Council on follow-up to EUFOR once its mandate expires.

In September, the Council expressed its intention to deploy a military component to take over from EUFOR in Chad and the Central African Republic. We welcome the agreement arrived at between the Secretary-General and President Idriss Déby on the number of troops to be deployed in eastern Chad to provide an efficient and effective replacement for EUFOR and to ensure improved geographic coverage so as to better protect refugees and displaced and vulnerable persons. John Holmes himself stressed the importance of this aspect of the situation last week.

As for the Central African Republic dimension of the operation, it is also essential to have a credible military presence in the north-eastern part of the country so that, at the end of EUFOR's mandate, there is no recurrence of the security vacuum of two years ago, which contributed to the destabilization of the region. It is because the European Union is present in Birao that the humanitarian and security situation stabilized somewhat, despite recent evidence of the precariousness of the situation.

In this context, we believe that the first option on the Central African Republic offered in the report might be insufficient. We therefore support a broader option allowing the deployment of a deterrent force in Birao that could also cover the surrounding areas. We stand ready to discuss the modalities of such a deployment.

I reiterate the importance of United Nations readiness to take over at the end of the European Union mission on 15 March 2009. From the very beginning of EUFOR, the European Union has said that this would be a transitional operation ending on 15 March 2009. That date approaches; we must prepare for it carefully. The European Union and the European contributors to EUFOR in particular are committed to ensuring a smooth transition. We urge the Secretary-General to continue his efforts to that end and invite potential troop contributors to join in discussions on this topic.

On the basis of these observations, the French delegation will, over the next few days, circulate a draft resolution to members of the Council. It is our hope that the Council will be able to adopt it swiftly to ensure a smooth transition from EUFOR to MINURCAT on 15 March 2009, as scheduled.

Mr. Terzi di Sant'Agata (Italy): I, too, would like to thank Special Representative Angelo for presenting the Secretary-General's report on the transition from the European Union-led military force (EUFOR) to the United Nations Mission in the Central African Republic and Chad (MINURCAT). At the same time, I would like to express my appreciation for the statements made by the Permanent Representatives of the Central African Republic and Chad.

The picture emerging from the Secretary-General's report is indeed a mixed one. Instability continues to prevail in the eastern provinces of Chad, although it is mainly due to banditry rather than to the activity of the armed opposition movements. On the other hand, progress in Sudan-Chad relations, as evidenced by the exchange of ambassadors as well as by further steps towards the establishment of a joint monitoring force along the border in the framework of the African Contact Group, are encouraging signs of possible further improvement in the security situation.

From what the Permanent Representatives of the Central African Republic and Chad have said today, as well as from what the non-governmental organizations reminded us last week, it would seem important to continue to provide a security framework in the eastern part of Chad to ensure protection of the displaced and refugee population and to allow for the safe delivery of humanitarian assistance. The transition from EUFOR to a United Nations operation will serve this objective, and we are ready to start negotiations on a draft resolution to this end.

At the same time, it has also been underlined that it is essential that the root causes of instability in Chad be addressed. My country supports the political process based on the 13 August agreement between the Government and the opposition, as well as the Sirte agreement between the Government and the armed opposition movement. As for the number of troops, we appreciate the update in planning made by the Secretariat in the substantial reduction of the mission's size. We wonder whether additional cuts can be envisaged in consultation with the Government, taking into account the effectiveness of the mission, of course, as well as the overall sustainability of peacekeeping in Africa and the amounts of troops from other crisis situations.

The Security Council, we believe, should apply fair criteria in managing the limited resources at our disposal. In this context, I would also like to draw the attention of the Council once again to the situation in Somalia and the need to urgently find a way to support the African Union Mission to Somalia in the future.

For the same reason, we do not see a substantial difference between the overall situation in eastern Chad and the one in the Central African Republic. It would therefore seem logical that, if we are going to replace the European Union-led military force (EUFOR) in Chad, we would do the same in the Central African Republic. Besides, we need to take into account the request of President Bozizé to maintain international troops in the north-eastern part of the country. His efforts to pursue national reconciliation and the political dialogue — which is proceeding well in Bangui, as we know — should also be rewarded, as should his cooperation with the United Nations.

I take this opportunity to confirm Italy's readiness to keep the hospital in Abéché for the time necessary to ensure a smooth transition.

Finally, I would like to commend the exemplary collaboration that the United Nations and the European Union have once again established in the maintenance of peace and security. Chad and the Central African Republic are important examples of our ability to maximize our impact and ensure coherence between different actors and different instruments.

The President: There are no further speakers inscribed on my list. In accordance with the understanding reached in the Council's prior consultations, I should now like to invite Council members to informal consultations on the subject.

The meeting rose at 4.35 p.m.

United Nations S/PV.6043

Security Council

Sixty-third year

Provisional

6043rd meeting

Monday, 15 December 2008, 10 a.m.

New York

President:	Mr. Vilović	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. Zhang Yesui
	Costa Rica	Mr. Urbina
	France	Mr. De Rivière
	Indonesia	Mr. Natalegawa
	Italy	Mr. Terzi di Sant'Agata
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Dolgov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	United States of America	Mr. DeLaurentis
	Viet Nam	Mr. Bui The Giang

Agenda

Briefings by Chairmen of subsidiary bodies of the Security Council

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-64915 (E)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Briefings by Chairmen of subsidiary bodies of the Security Council

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Council will hear briefings by Ambassador Giulio Terzi di Sant'Agata, Permanent Representative of Italy and Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea; Ambassador Dumisani Shadrack Kumalo, Permanent Representative of South Africa and Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa; Ambassador R. M. Marty M. Natelegawa, Permanent Representative of Indonesia and Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda, the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and the Working Group of the Whole on United Nations Peacekeeping Operations; Ambassador Jan Grauls, Permanent Representative of Belgium and Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities, the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and the Security Council Committee established pursuant to resolution 1737 (2006); and Ambassador Ricardo Alberto Arias, Permanent Representative of Panama and Chairman of the Security Council Informal Working Group on Documentation and Other Procedural Questions.

I now give the floor to Ambassador Giulio Terzi di Sant'Agata, Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan and the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea.

Mr. Terzi di Sant'Agata (Italy): I would like to take this opportunity to share with the Council some observations concerning the two Sanctions Committees that Italy has had the honour to chair over the past two years, namely, the Sudan Sanctions Committee established pursuant to resolution 1591 (2005) and the Security Council Sanctions Committee established pursuant to resolution 1718 (2006). I will start with the Sudan Sanctions Committee, and then I will talk about the Sanctions Committee on the Democratic People's Republic of Korea.

The work undertaken by the 1591 Sanctions Committee, on the Sudan, has been quite challenging. While all the members of the Committee share a common objective — to bring peace and stability to Darfur — their understanding of the role of sanctions in ending the conflict, and of the conflict itself, is different. That is evident in the fact that, after almost four years in existence, the Committee has yet to designate any individual as subject to the travel ban and the assets freeze. The Council designated four individuals who are currently subject to the targeted sanctions. In addition, experience with sanctions has shown that it is difficult to monitor — and therefore to enforce — an arms embargo covering only part of the territory of a country, as in the case of Darfur. Notwithstanding those constraints, the Committee has been able to discharge its mandate, which is to monitor, and not enforce, the measures imposed under resolutions 1556 (2004) and 1591 (2005).

The Committee has regularly reported to the Council on the lack of compliance with the existing measures by all parties to the conflict. It has provided a forum to discuss the implementation of those measures and has assessed the reports of the Panel of Experts, as mandated by resolution 1591 (2005). The direction that both my predecessor, Ambassador Spatafora, and I have given to the work of the Committee in order to achieve those limited, yet important, results has been based on a constant drive for consensus as the best way to keep the Committee united on key tasks.

Our work, however, has not been as effective as we would have liked. In particular, many Panel recommendations have not been given the desired follow-up because of the lack of consensus. I wish the

new Chairman a more productive biennium in that regard. On that point, I have noted with interest remarks made by some delegations during my last briefing to the Council encouraging a review of the decision-making procedures of the subsidiary bodies of the Security Council in order to better align their work with the direction given to them by the principal organ.

I wish to thank the members of the Committee for their active contributions. I also wish to thank present and past members of the Panel of Experts for having been the Committee's eyes and ears on the ground, often under very difficult conditions. My thanks also go to the Secretariat staff for their sound advice and accurate drafting. My recommendations for the future are as follows.

My first recommendation is to also reach out to other sources of information on Darfur, in particular within international and non-governmental organizations (NGOs). In that connection, I wish to add that, last Friday, for the first time since its establishment, the Committee heard a briefing by an NGO about information it had gathered concerning ongoing violations of resolutions 1556 (2004) and 1591 (2005). I hope that such a practice can continue.

My second recommendation is to promote dialogue with the countries in the region and to explore further the opportunities provided by the mandate of the Committee in that regard.

My third recommendation is to ensure liaison with the mediation of the political process and with the African Union-United Nations Hybrid Operation in Darfur (UNAMID). In that connection, I wish to note that, while the Council gave UNAMID a mandate to monitor the arms embargo, the mission does not yet have the resources to effectively carry out that task.

The rationale behind my three suggestions is that the Committee does not operate in a vacuum and cannot remain self-referential. On the contrary, it needs to be in tune with the other components of the Security Council's strategy for Darfur, whose common aim is to bring peace and stability to all Darfurians. As I mentioned before, despite the differing views on the role of sanctions, all members of the Committee strongly share that objective. Building on that common ground will be the key to the success of the Committee.

I should now like to refer to the 1718 Committee. As I near the end of my chairmanship of that Committee, I am pleased to brief the members of the Security Council on that important body.

In discharging its mandate, the Committee was guided by paragraph 12 of resolution 1718 (2006). Since 1 January 2007, the Committee, while ready to meet as frequently as necessary to carry out its duties effectively, held 14 sessions of informal consultations at the expert level and one formal meeting.

Owing to keen interest from Member States outside the Council, but also on the part of many represented on the Council, the Committee addressed the issue of implementing subparagraph 8(a)(iii) of resolution 1718 (2006), concerning the ban on the export of luxury goods to the Democratic People's Republic of Korea. In that connection, on 21 February 2007, the Committee issued a letter to Member States clarifying that any definition of luxury goods as may be necessary for Member States to implement that provision of the resolution would be the national responsibility of individual Member States. The Committee also reaffirmed that the measures contained in subparagraph 8(a)(iii) of resolution 1718 (2006) are consistent with the objectives of the resolution and are not intended to restrict the supply of ordinary goods to the wider population of the country, or to have a negative humanitarian impact on the Democratic People's Republic of Korea. The Committee further referred Member States to national reports submitted pursuant to paragraph 11 of the resolution as cases of national definitions and implementation with respect to luxury goods.

On 15 March 2007, the Committee issued two letters in reply to communications received from the International Air Transport Association and the Permanent Mission of Uganda to the United Nations, which had sought guidance on specific cases of cooperation with the Government of the Democratic People's Republic of Korea after the adoption of resolution 1718 (2006).

On 20 June 2007, at a formal meeting, the Committee adopted the guidelines for the conduct of its work. That document — which was transmitted to all States for their information and use as necessary and which was posted on the Committee's web page — serves as a tool to guide the work of the Committee and to facilitate the implementation of the measures imposed by resolution 1718 (2006).

In accordance with its mandate, the Committee continued the process of determining additional items, materials, equipment, goods and technology to be specified for the purpose of subparagraph 8(a)(ii) of the resolution, and of adjusting the lists contained in documents S/2006/814, S/2006/815 and S/2006/853 through the consideration of amendments proposed by the members of the Committee.

Paragraph 11 of resolution 1718 (2006) calls upon all States Members of the United Nations to report to the Security Council within 30 days of the adoption of the resolution on the steps they have taken to implement effectively the provisions of paragraph 8 of the resolution. As of 15 December 2008, the Committee had received reports from 73 countries and one organization — the European Union — concerning the implementation of the resolution. In that regard, Member States' reports are issued as official documents of the Committee and are also accessible electronically on the Committee's website, unless a State requests that its reply be kept confidential.

In subparagraph 12(e) of resolution 1718 (2006), the Security Council mandated the Committee to designate individuals and entities subject to the measures imposed by subparagraphs 8(d) and (e) of resolution 1718 (2006) — for instance, targeted financial sanctions and the travel ban, respectively. Since its inception, the Committee has received no request for designation on the basis of the criteria contained in the two subparagraphs to which I have referred.

Since July 2007, no information relevant to the implementation of its mandate has been brought to the attention of the Committee.

While affirming that the primary responsibility for implementing the provisions of the resolution rests with States, the Committee stands ready to facilitate the implementation of those measures once it is requested to do so. The Committee continues to cooperate with Member States and relevant organizations upon receiving specific requests in that regard.

The President: I thank Ambassador Terzi di Sant'Agata for his briefings.

I now give the floor to Ambassador Kumalo, Chairman of the Security Council Committee established pursuant to resolution 751 (1992), concerning Somalia, and of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.

Mr. Kumalo (South Africa): For the past two years, I have had the honour to serve as the Chair of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia and the Chair of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.

Regarding the 751 Committee on Somalia, the information we have considered has indeed been consistently sobering as well as troubling. The reports of the Monitoring Group have documented the worsening security situation in Somalia. They have been unsparing in describing the widespread violations of the arms embargo by land, air and sea, which has continued unabated for the past 16 years.

The Monitoring Group has consistently reported on the general state of lawlessness and the lack of accountability that prevails in Somalia. Recently, the link between piracy, kidnapping and ransom payments in financing embargo violations committed by armed groups has received increased attention. In recent months, the number of piracy incidents has increased dramatically, capturing global attention. The Monitoring Group has described piracy as a multi-million dollar industry involving up to 2,000 people, using over 60 small boats and several mother ships. The pirates are said to have earned enormous amounts of money, estimated to be more than $100 million in recent years.

This has made Somali piracy very compelling indeed. Yet Somali piracy is only one of the symptoms of the root causes of the Somali conflict. The Monitoring Group has noted that pirates invoke legitimate Somali grievances regarding illegal fishing in Somali waters by foreign ships, together with the illegal dumping of toxic waste off the Somali coast. These grievances have earned the pirates general support for their activities among Somali society.

In its latest report, the Monitoring Group has recommended the creation of a maritime administration caretaker authority for Somalia that could mitigate the scourge of piracy, as well as begin to address the problems of toxic waste dumping and illegal fishing on the Somali coast. But, even if this recommendation could be accepted, that would still be addressing only one part of the Somali problem, albeit a visible one. This also explains why the arms embargo imposed by the Council in 1992 has had such a minimal effect. What Somalia urgently needs is for its tragic situation to be addressed in a comprehensive and holistic

manner. In other words, the solution for Somalia lies in addressing piracy and the arms embargo together with a political solution that will lead to the establishment of reliable Government authority in Somalia. Otherwise, systematic violations will continue to occur in an environment that has been one of impunity, where there are few or no consequences for any violations.

A promising start has already been made with the Djibouti Agreement, which brought the Transitional Federal Government together with some of the Islamic groups interested in rebuilding Somalia. Besides the fact that the Djibouti Agreement is desperately in need of international political support, there is a lack of the security stabilization inside Somalia that would allow for the political process to grow some roots. The African Union has contributed the African Union Mission in Somalia (AMISOM) to help stabilize the situation and support the Transitional Federal Government. And AMISOM, which is in dire need of strengthening, can never be enough on its own.

The Security Council and the international community must address Somalia in a holistic manner, because we cannot watch Somalia become an even worst disaster than it is right now. Thousands of people are dying of hunger and disease in Somalia — that is if the murderous militias that run freely throughout Somalia do not kill them first.

So, the Council can pass the toughest resolutions on piracy; the Council can strengthen the arms embargo and can even aim the most stringent measures at individuals and entities that may be seen as obstructing the process in Somalia; but such fragmented efforts are unlikely to succeed without a comprehensive solution. Meanwhile, Somalia will continue to sink further and further into despair. Surely the people of Somalia deserve a better life than the one they have right now.

I would like to offer my warmest wishes to my successor as Chair of this Committee — I am not sure whether to say condolences. I would also like to express appreciation to the Monitoring Group for its commendable work. We could not have done our work without the tireless Secretariat, which has provided support and advice to me and my delegation, as well as to the Committee, over the past two years.

South Africa assumed the Chair of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa because we felt that this would strengthen the African agenda on peace, security and development. Our overall contribution to this Council was in line with the aims of the Working Group. During our presidency of the Council, we highlighted the need to strengthen the working relationship between the African Union and the United Nations, in particular the Security Council. We hosted thematic debates that brought several heads of State and Government from Africa to the Security Council. Right now, we look forward to a report of the African Union-United Nations panel headed by former Prime Minister Romano Prodi of Italy, which will make concrete proposals on how the United Nations can support the work of the African Union with predictable and sustainable resources.

Regarding the programme of the Working Group, we held four meetings, including a session at which the Under-Secretary-General for Political Affairs, Mr. Lynn Pascoe, briefed the Working Group on the reform of the Department of Political Affairs. The briefing provided the Working Group with an opportunity to understand how the Department of Political Affairs sees its role in conflict prevention and resolution efforts.

Another important meeting took place on 1 December 2008 and addressed the concept of responsibility to protect. There were two main purposes for holding the meeting. The first was that the Secretary-General is expected to present his report on the responsibility to protect to the General Assembly early next year, which will then hold a debate on that report. Our deliberations in the Working Group on the concept of responsibility to protect could contribute to that debate, whose objective is, among others, to arrive at a common understanding on issues that are set forth in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (A/60/L.1).

Second, it was our understanding that the concept of responsibility to protect falls within the mandate of the Working Group. Therefore, it was critical that the meeting be understood within the context of the mandate of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, which set forth

> "To propose recommendations to the Security Council to enhance cooperation in conflict prevention and resolution, between the United Nations and regional (OAU) and subregional organizations" (*S/2002/207, section III (iv)*).

Finally, I would like to express my deep appreciation for the cooperation of the members of the Working Group on Conflict Prevention and Resolution in Africa in our endeavour to contribute to the successful implementation of the Working Group's mandate. I also wish to thank the Secretariat for its support throughout the activities of the Working Group.

The President: I thank Ambassador Kumalo his briefings.

I now give the floor to Ambassador Marty Natalegawa, Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda, the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and the Working Group on Peacekeeping Operations.

Mr. Natalegawa (Indonesia): With your permission, Sir, I would like to share with members of the Council some reflections in my personal capacity on the work of the three subsidiary bodies of the Security Council to which you just referred: the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda, and the Working Group on Peacekeeping Operations.

I would like at the outset to refer to the sanctions Committee on the Democratic Republic of the Congo. In general terms, the measures established and progressively adapted by the Security Council in resolutions 1493 (2003), 1596 (2005), 1698 (2006), 1771 (2007) and 1807 (2008) aim at preventing all rebel groups operating in the eastern Democratic Republic of the Congo from being supplied with arms and/or participating in military activities. Adopted on 31 March 2008, resolution 1807 (2008) marked an important watershed in the duration of the sanctions regime. While supplier States continue to be required by the resolution to notify the sanctions Committee of arms shipments to the Government of the Democratic Republic of the Congo and to include in such notifications all relevant information — including, where appropriate, the end user, the proposed date of delivery and the itinerary of shipments — the Security Council effectively lifted the arms embargo on the Government of the Democratic Republic of the Congo.

Resolution 1807 (2008) was also adopted by the Council with a view to simplifying the sanctions regime and improving the implementation of the arms embargo, for instance by terminating the requirement on the Government of the Democratic Republic of the Congo to designate receiving sites for the authorized shipments of arms and related materiel. One could make the case, in fact, that the introduction of more clarity and the simplification of the sanctions regime played a positive role in the renewed cooperation which the Democratic Republic of the Congo authorities extended to the Group of Experts, as noted in the Group's final report submitted this month.

During the course of 2008, the Committee proactively conducted its work and convened a number of sessions of informal consultations, the majority of which were held to discuss the reports of the Group of Experts on the Democratic Republic of the Congo, including possible actions to be taken by the Committee arising from the Group's recommendations.

In connection with the list of individuals and entities subject to the measures imposed under paragraphs 13 and 15 of resolution 1596 (2005), the Committee acted on new information conveyed by the Group of Experts and Member States by updating the list and with a view to providing Member States with the most accurate information possible to facilitate implementation of the measures imposed on listed individuals and entities. Implementation is hindered, however, when listed individuals have no tangible assets or do not travel across international borders, thus limiting the impact of the assets freeze and travel ban.

The Committee also considered four requests in 2008 for de-listing. In terms of proposals for listing, the Committee currently has under consideration a request submitted by the Permanent Representative of Rwanda in May 2008, whose delegation transmitted a list of individuals to the Committee, requesting their inclusion in the list.

Further to its efforts to engage with Member States, the Committee continued its practice of acknowledging notifications received by supplier States during the course of 2008. However, challenges remain, as only seven notifications have been received by the Committee since the adoption of resolution 1807 (2008) on 31 March 2008.

The Committee also interacted with a number of Member States in connection with a request for

exemption to the assets freeze, and transmitted a number of letters to Member States drawing their attention to the recommendations contained in various reports of the Group of Experts on the Democratic Republic of the Congo. The Committee also addressed letters to a number of international organizations, drawing their attention to possible areas of assistance to reinforce the capacity of the Government of the Democratic Republic of the Congo to fully implement the arms embargo.

The Group of Experts has played an instrumental role in monitoring the sanctions regime and in facilitating action by the Committee towards the improvement of the implementation of the sanctions regime. As part of these efforts, the Group collaborated extensively with the United Nations Organization Mission in the Democratic Republic of the Congo with a view to analysing information gathered by the Mission on the ground that is relevant to the mandate of the Group and the Committee.

As highlighted in the latest report of the Group of Experts, many challenges remain towards achieving full implementation of the sanctions regime. It is unfortunate that, several years after the adoption of the Committee's travel ban and assets freeze against individuals and entities violating the arms embargo, the level of awareness and implementation of such measures remain very limited. To that end, the full collaboration and engagement of States in the region are essential.

Looking back over the course of 2008, I have relied on the support and the flexibility of members in moving the Committee's work forward. As Chairman, I have endeavoured to engage actively with my colleagues to bridge differences and build the consensus that is very crucial to the work of the Committee.

Looking forward, it is my personal view that the final report of the Group of Experts submitted this month has broken new ground in terms of the Committee's and the Council's understanding of the support networks for the two major rebel groups in the eastern Democratic Republic of the Congo, the Forces démocratiques de libération du Rwanda and the Congrès national pour la défense du peuple, particularly these groups' financial networks. It is my hope that, in 2009, the Committee and the Council will actively use the sanctions regime as a positive instrument that can be integrated into a wider political strategy to end a conflict which has so deeply harmed the civilian population in the Democratic Republic of the Congo, and to reinforce the Government's efforts to exercise authority in the eastern part of the country. This may also include the Committee's engaging further with States in the region and other States with a view to ensuring increased compliance with the sanctions regime.

Let me now turn to the sanctions Committee on Rwanda. As Council members are aware, the Security Council decided in resolution 1823 (2008), adopted in July, to dissolve the Committee. The Security Council also decided in that resolution to terminate the remaining measures relating to Rwanda.

It will be recalled that the Committee was established in 1994 to oversee the arms embargo and to undertake other tasks mandated by the Security Council. In subsequent years, the complete arms embargo and other measures were gradually terminated by the Security Council. In 2007, for example, the Security Council, in its resolution 1749 (2007), terminated the notification requirement for the delivery of arms to the Government of Rwanda.

Prior to its termination, the Committee met on 11 April 2008, at which time members noted that it had been largely inactive over the past 10 years and that the signing of the Nairobi joint communiqué of November 2007 could be seen as a sign of the continued improvement of the political climate in the subregion. It was also noted that the termination of an inactive subsidiary body could be seen as a good business practice that could help rationalize the functions of the Security Council. Some members expressed the view that the termination of the sanctions regime should be considered a technical rather than a political matter. Committee members agreed that I should recommend the dissolution of the Committee, which I subsequently did on 22 May. The Security Council agreed with that view.

Let me now make a few observations regarding the work on the Working Group on Peacekeeping Operations. The Working Group on Peacekeeping Operations met on 27 March 2007. The meeting took up two subjects: surge in peacekeeping operations and security sector reform. The members of the Working Group expressed their views on the various related issues and provided suggestions on enhancing the

effectiveness of the United Nations peacekeeping system.

On 26 March 2008, the Working Group on Peacekeeping Operations again convened to exchange views on issues related to United Nations Mission in Ethiopia and Eritrea (UNMEE). The members of the Security Council, a number of the troop-contributing countries to UNMEE, and representatives of the Department of Peacekeeping Operations and the Department of Field Support participated in the meeting.

In conclusion, I would like to thank the Permanent Representatives of Costa Rica and Viet Nam, who serve as Vice-Chairs of the Sanctions Committee on the Democratic Republic of the Congo, as well as the Permanent Representative of Italy, who serves as Vice-Chair of the Sanctions Committee on Rwanda, for their respective support and assistance.

I also thank all delegations for their constructive cooperation with the Chair.

I also wish to convey my appreciation to the Security Council Subsidiary Organs Branch, led by Mr. Aleksandar Martinovic. In particular, I would like to thank Mr. David Biggs, Ms. Francesca Jannotti-Pecci and Mr. James Sutterlin for their untiring support to the work of the Chair.

The President: I thank Ambassador Natalegawa for his briefing.

I now give the floor to Ambassador Jan Grauls, Chair of the Security Council committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban and associated individuals and entities; the Security Council committee established pursuant to resolution 1572 (2004), concerning Côte d'Ivoire; and the Security Council Committee established pursuant to resolution 1737 (2006).

Mr. Grauls (Belgium): Thank you, Mr. President, for giving me the opportunity to speak today in my capacity as Chair of three Sanctions Committees: the Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban and associated individuals and entities; the Committee established pursuant to resolution 1572 (2004), concerning Côte d'Ivoire; and the Committee established pursuant to resolution 1737 (2006), concerning Iran.

Since the departure of my predecessor, Ambassador Johan Verbeke, in June of this year to take on new responsibilities within the United Nations system, I have had the honour to preside over these three Committees. This has proven to be both a privilege and a challenge.

The comments I am about to make are my personal observations based on my experience and that of my predecessor. They are not attributable to any other delegation, nor should they be seen as a record of the work of these subsidiary organs. For a factual account of the work delivered in the past two years, I would like to refer to the annual reports of the three Committees, which may be found on their respective websites at the end of each year. At the end of my briefing, I will also say a few words about the state of play within the Informal Working Group on international tribunals.

I would like to start my briefing with the Al-Qaida/Taliban Committee.

When my predecessor took on the chairmanship in January 2007, he did so in the wake of the adoption of two important Security Council resolutions at the end of 2006: resolution 1730 (2006) establishing the focal point process for de-listing requests, and resolution 1735 (2006), strengthening the sanctions regime and enhancing the Committee's procedures in order to ensure more clarity and transparency.

Subsequently, the Security Council adopted resolution 1822 (2008) in June, which in my view represents a milestone in the life of the Committee. Resolution 1822 (2008) introduced a number of important innovations with regard to the procedures for listing and de-listing, the notification of sanctioned individuals and entities, the posting of narrative summaries of reasons for the listing of all entries on the Committee's website and the review mechanisms, thus adding to the transparency and fair and clear procedures character of the sanctions regime.

The Committee members committed themselves to transposing resolution 1822 (2008) in a new framework for the practical implementation of these new mechanisms before the end of this year. In order to find solutions fitting for all members, multiple rounds of negotiations ensued that were sometimes arduous and complex. This new framework has now been approved and will form a solid basis for my successor

to continue the implementation work on resolution 1822 (2008).

May I pay tribute here to the very professional support I got from the experts of the member States and from the Monitoring Team. I also appreciated the flexibility shown by delegations during the final stages of the negotiations. All these efforts have truly paid off, since the Security Council included many of the aforementioned innovations when it adopted the recent resolution imposing targeted sanctions in the context of Somalia.

One cannot ignore the international context in which these developments have taken place. The reality is that Security Council sanctions regimes find themselves increasingly under pressure and have recently been questioned, especially in light of the need for fair and clear procedures for listing, de-listing and the granting of humanitarian exemptions.

I do believe that the Al-Qaida/Taliban Committee has made significant progress in this regard. However, it is also my belief that all of us must remain committed to continuing to ensure that due, and probably even more, attention is given to these concerns.

I do not think there is any doubt in anyone's mind that terrorism remains one of the most serious threats to international peace and security. The sanctions regime against Al-Qaida, the Taliban and their associates is still one of the most important tools of the international community in the fight against terrorism.

In that light, it is important that Member States use this tool to the fullest extent possible by proposing the names of key actors for listing and complying fully with the sanctions measures. In that spirit, my predecessor and I gave four briefings to the larger membership in order to engage it in the activities of the Committee.

That said, I know that the challenges ahead will be great. More needs to be done to ensure that the right individuals and entities are targeted. Due respect for fair and clear procedures can only increase the effectiveness of the sanctions regime.

I now turn to the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire. Primarily, I shall address three characteristics of the activities carried out by the Committee during the two years of the Belgian chairmanship.

First, those activities took place in the broader context of the momentum resulting from the Ouagadougou Agreement of 4 March 2007. While resolution 1721 (2006) had proved difficult to implement, the Ouagadougou Agreement marked the assumption of ownership of the peace process by the Ivorians and regional actors, which entailed a relative withdrawal by the Security Council. The Ouagadougou Agreement contained sanctions provisions, to which the Ivorian political actors have referred regularly in their statements, including before the General Assembly. On the other hand, neither the Security Council nor the Sanctions Committee has ever considered any request based on those provisions of the Agreement.

Another characteristic of the Committee is that various reports of the Group of Experts have identified serious failures in the implementation of Security Council measures both by Côte d'Ivoire itself and by other countries, particularly those in the region. In particular, the experts noted a certain degree of ignorance, indifference and, in certain cases, contempt in Côte d'Ivoire regarding the sanctions measures adopted by the Council. The Republican Guard's persistent refusal to authorize embargo inspections by the United Nations Operation in Côte d'Ivoire and the subsequent halt in those inspections are elements of great concern. One may suppose that, in the current context in Côte d'Ivoire, better acceptance of the sanctions by the Ivorian authorities and others, as well as improvements in implementation, will remain challenges for the international community.

Finally, I was struck by the lack of follow-up to the allegations of human rights violations noted in particular by the United Nations. Despite some observed progress, allegations of human rights violations remain numerous and grave, in particular cases involving sexual violence against women and children. Most reported cases are not being prosecuted by the Ivorian legal authorities. That situation is intolerable and should be followed very closely.

The activities of the Security Council Committee established pursuant to resolution 1737 (2006), concerning Iran, were carried out against the backdrop of the verification efforts of the International Atomic Energy Agency (IAEA) and political negotiations

related to the nuclear issue. The Committee's activities were carried out in strict compliance with the mandate received from the Security Council. Moreover, during the first two years of the Committee's existence, the sanctions regime saw three successive waves of new measures imposed under resolutions 1737 (2006) of December 2006, 1747 (2007) of March 2007 and 1803 (2008) of March 2008.

The Iran sanctions have undoubtedly affected the nuclear programme and the major actors and intermediaries involved in it. However, it must be noted that, despite the pressure exerted by the sanctions and the repeated offers of cooperation from the international community, the Iranian authorities persist in refusing dialogue and in cultivating ambiguity. More than five years after the disclosure of Iran's clandestine programme, the IAEA remains incapable of confirming its peaceful nature. The last report of the IAEA shows once again that, at most, the sanctions have delayed the programme, not stopped it, nor — which is crucial — have they been able to reassure the international community of its peaceful nature.

The dual-track approach adopted by the Security Council — pressure and dialogue — was further confirmed by resolution 1835 (2008) of last September. I believe that that resolution is both an invitation to strengthen efforts to launch the dialogue and a request for increased attention to the strict implementation of the sanctions by all.

The Committee on Transactions could, therefore, take a closer look at the national reports and examine more thoroughly the breaches in the implementation of the resolutions. In order to do that, in my view it would be particularly useful for the Committee, following the example of other sanctions committees, to be assisted by a panel of experts and to undertake visits in certain countries. In my view, such instruments are quite simply the logical complements to a sanctions committee.

Finally, I would like to mention the activities of the Informal Working Group on Tribunals, which Belgium has chaired during 2008. The discussions within the Group mainly concentrated on the establishment of a residual mechanism to carry out certain essential functions of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda after their closure.

My delegation delivered a statement regarding the work of that body during the Security Council debate last Friday. So, I do not wish to come back to that in detail here. Moreover, there are further details on that process in a letter that I will forward to the President shortly and that will be circulated as an official document.

To conclude, I would like to thank all those who have been involved in the work of those subsidiary organs over the past two years. I would most especially like to thank the delegates, the Monitoring Team and the Group of Experts on Côte d'Ivoire, as well as the Secretariat for their valuable work and cooperation.

During my chairmanship of those three sanctions committees, I have been able to observe how different and, in a sense, how unique they are. Each committee works within its own political context, being a country-specific committee or tackling a global terrorist phenomenon. Each has its specific mandate and its own tools to implement it, for instance, with or without a group of independent experts. The interplay of those distinct characteristics always seems to produce a unique result.

The world is not the same as when we started, nor is the Security Council. But certain threats to peace and security remain and they must be addressed effectively and fairly. Sanctions are a valuable tool in that respect, and I am convinced that they can be further developed to become an even better tool.

The President: I thank Ambassador Grauls for his briefing.

I now give the floor to Ambassador Ricardo Arias, Chairman of the Security Council Informal Working Group on Documentation and Other Procedural Questions.

Mr. Arias: Thank you, Sir, for giving me the opportunity to speak today in my capacity as Chair of the Informal Working Group on Documentation and Other Procedural Questions. In my statement, I should like to give the Council an overview of the work undertaken by that subsidiary body under my chairmanship and to make a few personal remarks.

In 2008, the Informal Working Group on Documentation and Other Procedural Questions built on the work completed under previous Chairmen and continued to examine ways to best implement the notes by the President of the Security Council in documents

S/2006/507 and S/2007/749. Among the priorities set by the Working Group in 2008 were issues related to the summary statements on matters of which the Security Council is seized, meeting formats, the participation of non-Council members in the work of the Security Council and the role of the Security Council President and the Chairs of subsidiary bodies. Owing to time constraints, we were unable to examine the last issue.

Early in the year, the Working Group worked towards improving the summary statements by making them more user-friendly. The Working Group subsumed similar and related items into a single agenda item. The Working Group is still considering a proposal to make the summary statement more accurate, reflecting the items of which the Council is actually seized and giving the Council greater involvement in its preparation. We expect agreement to be reached on that matter in the coming days. The Working Group also considered a proposal by the Chair on meeting formats and the participation of non-Council members, but was unable to reach a decision on that matter.

Further, the Working Group received a letter dated 5 September from the Chair of the Working Group on Children and Armed Conflict, requesting us to examine their current procedures and to recommend measures to improve them, based on the practices of other Council subsidiary bodies. In deliberating that issue, we consulted the Secretariat and were briefed by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict. Following those consultations, we drafted a response that is currently under no-objection procedure and should be delivered to the Chair in the following days. That communication includes a response from the Secretariat on the questions posed to them and highlights relevant passages of note of the President of the Security Council in document S/2006/507 that could assist them in enhancing the efficiency and effectiveness of the methods of the Working Group.

As a follow-up to the open debate on the implementation on the note by the President of the Security Council (S/2006/507), the delegation of Belgium submitted a proposal to update that note. However, some delegations suggested that we defer the consideration of that issue until 2009.

Finally, I would like to point out that, regardless of specific results, the fruitful exchanges held this year within the Working Group were crucial to clarifying and improving the implementation of current working methods, as well as to exploring new ways to make the Council more efficient in its deliberations.

Before closing, on a more personal note, I would like to extend my particular gratitude to all members of the Working Group for their time and effort. Their contributions to improving the working methods will definitely be translated into concrete results in the subsequent work of the Informal Working Group on Documentation and Other Procedural Questions.

The President: I thank Ambassador Arias for his briefing.

There are no other speakers inscribed on my list. On behalf of the Security Council, I would like to take this opportunity to express appreciation to the five outgoing Chairmen, Ambassador Terzi, Ambassador Kumalo, Ambassador Natalegawa, Ambassador Grauls and Ambassador Arias, for the manner in which they have discharged their important responsibilities on behalf of the Council.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.20 a.m.

United Nations S/PV.6044

Security Council

Distr.: General
15 December 2008

Original: English

Official communiqué of the 6044th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Monday, 15 December 2008, at 2 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 6044th meeting, held in private on 15 December 2008, the Security Council considered the item entitled "Peace and security in Africa".

"The meeting was presided over by His Excellency Mr. Ivo Sanader, Prime Minister of the Republic of Croatia, in his capacity as the President of the Security Council.

"The Secretary-General, His Excellency Mr. Ban Ki-moon, made a statement.

"His Excellency The Right Honourable Mr. David Miliband, M.P., Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, Her Excellency Ms. Condoleezza Rice, Secretary of State of the United States of America, and other members of the Council had an exchange of views."

08-65076 (E) 151208

United Nations S/PV.6045

Security Council

Sixty-third year

Provisional

6045th meeting

Tuesday, 16 December 2008, 11 a.m.

New York

President:	Mr. Sanader	(Croatia)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Kafando
	China	Mr. He Yafei
	Costa Rica	Mr. Urbina
	France	Mr. Ripert
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Panama	Mr. Arias
	Russian Federation	Mr. Lavrov
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Mr. Miliband
	United States of America	Ms. Rice
	Viet Nam	Mr. Hoang Chi Trung

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

08-65213 (E)

The meeting was called to order at 11.20 a.m.

Expression of welcome to ministers

The President: At the outset of the meeting, I should like to acknowledge and welcome the presence in the Council Chamber of the Secretary of State of the United States of America, Her Excellency Ms. Condoleezza Rice; the Minister for Foreign Affairs of the Russian Federation, His Excellency Mr. Sergey Lavrov; the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom of Great Britain and Northern Ireland, His Excellency the Right Honourable Mr. David Miliband, MP; and the Vice Minister for Foreign Affairs of China, His Excellency Mr. He Yafei.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2008/787, which contains the text of a draft resolution submitted by the Russian Federation and the United States of America.

I welcome the presence of the Secretary-General, His Excellency Mr. Ban Ki-moon.

This meeting comes at the end of an eventful year, marked by a number of encouraging developments in the Middle East. Since the beginning of 2008, we have witnessed the evolution of a comprehensive, direct and result-oriented Israeli-Palestinian negotiation process within the framework set out last year in Annapolis.

We have to recognize that there is a political momentum to this process, which gives us reason to be hopeful. Today, the Security Council has the opportunity to acknowledge these achievements and express its appreciation and encouragement for the determined efforts of the parties and its support for the continuation of the process and the fulfilment of the Annapolis goals. I am confident that the draft resolution that the Council is about to adopt conveys that message.

I would also like to reiterate the belief that the ongoing process provides our best chance for peace. The parties have set in motion a momentum we cannot afford to lose; they deserve the full support of the Security Council on that journey. We have a shared and a clear goal: to turn into reality the vision of two States, a democratic and peaceful Palestine, living side by side with a democratic and secure Israel, and to advance the momentum towards a just, lasting, comprehensive peace for the Middle East.

I now give the floor to the Secretary-General.

The Secretary-General: This is a very important meeting for the cause of peace in the Middle East and for the central role of the Security Council in achieving it. For the 13 months since Annapolis, Israelis and Palestinians have been negotiating continuously on all the core issues between them.

The Palestinian Authority has been pursuing genuine measures of self-empowerment in the West Bank, improving security and economic life for its citizens in the framework of increased Israeli-Palestinian partnership. The international community has been devoting new efforts with the parties to secure the implementation of Road Map commitments on the ground.

We had hoped by now to be marking the conclusion of a peace agreement and turning our sights towards its implementation. We all regret that this is not the case and we know we still face many hurdles, but a serious process is under way. We must ensure that what has been started is seen all the way through to its conclusion. We know what that conclusion must be. The occupation that began in 1967 must end. All people in the Middle East should be able to enjoy peace and full security. Palestinians must see the establishment of a State of Palestine, alongside Israel, to coexist with it in peace and security, and Israel and the Arab world must come to live together in a comprehensive regional peace.

As we enter 2009, we must stabilize the situation on the ground in the West Bank and Gaza and ensure that all tracks of the process are intensified. All of us — Israelis and Palestinians, the regional countries and the Arab League as whole, the Quartet, including the incoming United States Administration, and this

Council — must maintain our unity and redouble our efforts.

As Secretary-General of the United Nations, I am deeply and firmly committed to the goal of a just, lasting and comprehensive peace in the region, based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1402 (2002) and 1515 (2003), the principle of land for peace, the Madrid terms of reference and the Arab Peace Initiative, and I hope the Council acts today to help set us firmly, finally and irreversibly on the path to peace in the Middle East.

The President: I thank the Secretary-General for his statement.

I shall now give the floor to the members of the Security Council.

Ms. Rice (United States of America): The situation today in the Middle East is very different than when President Bush came to office in 2001. At that time, the Camp David effort had collapsed. Israelis and Palestinians were in a vicious cycle of violence. Suicide bombers were murdering innocent Israelis in cafes and restaurants and at Passover seders, leaving the rest of the population living in constant fear. Israeli military incursions left scores of Palestinians dead and wounded, neighbourhoods destroyed and the economy in shambles. No image better captures that desperate time than the siege of the Church of the Nativity in Bethlehem.

Yet, in spite of those tragedies, the cycle of violence continued. Each time a ray of hope penetrated the darkness, it was snuffed out by intolerance. Reforms within the Palestinian Authority in 2003 inspired hope that the Palestinians would finally have the leadership they deserved, and yet these reforms proved to be superficial and the hope proved to be deceptive. Palestinian elections in January 2005 and Israel's disengagement from Gaza later that year offered yet another opportunity for progress. But the victory of Hamas, the terrorist group committed to the destruction of Israel, in the 2006 elections that summer, and then the war in Lebanon ended that hope.

Finally, in 2007, after Hamas had usurped power in Gaza, it was clear to all that there was no alternative to President Bush's vision of a State of Palestine and a State of Israel living side by side in peace and security.

Building on this new dynamic, President Bush convened the Annapolis conference in November 2007, the first major Middle East peace conference in 16 years and the only one of its kind to be held on United States soil. Representatives of over 50 countries, including 14 Arab States, sat with the Israeli Prime Minister, Foreign Minister and Defence Minister to pursue a different future for the region. Since that day, Israeli and Palestinian negotiators have bravely demonstrated their commitment to peace through continuous bilateral and substantial negotiations on all the core issues. They made the strategic choice to, as President Bush has said, defeat an ideology of hatred with an ideology of hope.

The support of the United States and the international community for the parties' efforts has not been sustained by false hope or ignorance of the challenges, but by a genuine belief in the sincerity of the parties' commitment, in the progress they have made and continue to make and in the prospects for success if they continue down this path. The United States has a national interest in the conclusion of a final treaty, and it is in the long-term interest of Israel to provide a more hopeful society for Palestinians. The establishment of the State of Palestine is long overdue, and there should be an end to the occupation that began in 1967.

Above all, as our Egyptian friends reminded the Quartet yesterday, this is a bilateral process, and the two parties will have to conclude a final agreement. But it is incumbent upon the international community to provide support to their efforts and to create the political context within which their negotiations can prosper.

It is for that reason that we are gathered here today, to consider a draft resolution sponsored by the United States and the Russian Federation to chart the way forward. It builds upon the work of the international community through the Quartet, and I commend my colleagues from the United Nations, the European Union and the Russian Federation for their service in the pursuit of peace.

This draft resolution describes the contours of the negotiations and defines the role of the international community, which will prevent a return to violence and the hopelessness of a second intifada, when peace was a distant dream. It has several elements.

First, it confirms the irreversibility of the bilateral negotiations and endorses the parties' brave efforts. Brinksmanship and dramatic last-minute

attempts to forge a lasting peace have not succeeded in the past. There is no substitute for the Annapolis process, and stagnation is not an option.

In their historic briefing for the Quartet on 9 November, President Abbas and Foreign Minister Livni described their shared vision of a Palestinian State living side by side in peace and security with Israel, and pledged to continue their negotiation, even in times of political transition. They also described the understanding that governs their negotiation and confirmed the comprehensive nature of their effort, which is to build peace, both from the top down and from the bottom up.

The Annapolis process has advanced under the leadership of President Abbas, Prime Minister Olmert and Foreign Minister Livni, and these advances must be preserved and built upon. The commitment to negotiations is not a matter of lip service. It is about genuine commitment to the two-State solution and the necessary foundations of trust between the parties to turn that solution into reality.

As the Quartet affirmed yesterday, lasting peace will result from mutually reinforcing efforts on the political track, on building the institutions of a Palestinian State and on improving conditions on the ground. None of those tracks can succeed in isolation. As negotiations proceed, Israel and the Palestinians must ensure that life improves for millions of Palestinians. The international conferences in Paris, Bethlehem and Berlin were critical in supporting those efforts.

The United States has become the largest bilateral donor to the Palestinians. We continue to support the Palestinian Authority with direct budget assistance, funding for high-impact projects and the promotion of efforts to link security, governance and economic development.

Secondly, the draft resolution reiterates the importance of fulfilling obligations under the Road Map. Neither party should undertake any activity that contravenes Road Map obligations or prejudices the final status negotiations. The views of the United States have been made very clear in that regard, especially in connection with settlement activity. At the same time, the Palestinian Authority has an absolute obligation to dismantle the infrastructure of terror in its territories, reform its security services and end incitement.

Progress is being made, but it is incomplete. Sustained political will, as well as international support, is required. The peace and economic growth that resulted from Israeli and Palestinian security cooperation in Jenin and from international support is in stark contrast to the suffering that blighted that city in 2003. In recent weeks, Palestinian security forces have deployed to Hebron and have performed well in a volatile environment.

Thirdly, the draft resolution underscores that peace will be built upon mutual recognition, freedom from violence and terror, the two-State solution and previous agreements and obligations. It highlights the enduring importance of the Quartet principles and codifies the Security Council's backing of those fundamental principles. The threat of extremism and terrorism posed by Hamas is a threat to the Annapolis process and to the fulfilment of legitimate Palestinian aspirations. That is important to note.

Fourthly, the draft resolution underlines that the solution to the Israeli-Palestinian conflict should be aligned with efforts towards broader regional peace. The Arab Peace Initiative is a historic proposal in that regard. As Arab States should reach out to Israel, so should Israel reach out to Arab States.

The negotiations born at Annapolis and described in the draft resolution give me confidence that the goal of two independent and democratic States, Israel and Palestine, living side by side in peace and security is not just a vision but a commitment of the parties and of the international community. There can be no turning back the clock. We should only go forward from here. We have to continue on the chosen path. That chosen path will finally bring for the Israelis the peace and security that can only come from living side by side in reconciliation with a democratic neighbour of Palestine. That path forward will finally give to the people of Palestine the dignity and the humanity that can only come from living in their independent and sovereign State.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): Today we are adding an intermediate element to an important stage in the very detailed work that has been done in the Israeli-Palestinian negotiations since last year's meeting at Annapolis. The process has not been easy, and many factors have significantly complicated it. But the fact that the parties have begun in earnest to address the major issues for them is in fact

a real step forward. We must secure and continue that momentum towards peace. It is also essential to ensure continuity and to continue the negotiations while building on what has been achieved. The Quartet of Middle East mediators participating at yesterday's meeting all expressed those same views, as did representatives of the League of Arab States during contact, in New York.

We have a serious task before us today, namely, to strengthen the continuity and irreversibility of the political process through a resolution of the Security Council and give that approach the strength of international law. The adoption of the draft resolution before us will, of course, not guarantee that the situation will evolve only in the right direction. Much will depend on whether it is possible for Israelis and Palestinians themselves to develop and foster the necessary preconditions to move ahead successfully.

Of particular importance are the draft resolution's provisions calling for the full implementation by both parties of their obligations under the Road Map. In that regard we have in mind, of course, primarily the security situation, not allowing any terrorist acts, ending settlement activity and lifting the blockade and restrictions on movement.

The draft resolution also underscores the crucial need to allow the Arab Peace Initiative to work effectively. It is especially important in the present circumstances to restore the territorial and political unity of Palestinian national administration as quickly as possible. That is essential for strengthening the Israeli-Palestinian dialogue and for ensuring the viability of future final arrangements in the framework of that dialogue.

The Israeli and Palestinian parties face a very complex problem. It requires political will and certainly courage. Members of the Quartet, meeting at Sharm el-Sheikh with President Mahmoud Abbas and Israeli Foreign Minister Tzipi Livni, became convinced that the negotiators have shown those qualities. We expect that those who will continue the negotiations in the future will also demonstrate those important qualities.

Of course, progress is impossible without the active support on the part of the international community. Today's meeting demonstrates that such support will in fact continue to be extended to the parties as they aspire to peace. Russia will make its contribution to the collective efforts to ensure peaceful and sustainable development in the region. Only by working together and by respecting the internationally recognized legal basis can we achieve a just, lasting and comprehensive peaceful resolution.

Along with our partners, we will take every step necessary to ensure that the international meeting on the Middle East that has been scheduled for 2009 in Moscow marks as an important step forward. We shall also work to ensure that it serves to accelerate the process to reach an agreement, which is the goal of the draft resolution before the Security Council today.

Mr. Miliband (United Kingdom): The United Kingdom welcomes this debate and the prospect of a new Security Council resolution on this matter, the first since 2004. The violence, intensity and grievances of the Israeli-Palestinian conflict have global ramifications. Their resolution is the proper business of the Council.

The Security Council does not lack consistent policy on the Middle East. Although our resolutions have been sporadic, they have gained significance and status from their scarcity. Resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) ring out as the rallying points for peace. It is right that, after a year of intensive activity, we take stock, add a new number to the line of previous resolutions and, most important, resolve to use 2009 with determination to make progress within the framework of the draft resolution now before the Council.

The starting point for the United Kingdom is the concerns of the people of Israel and the occupied Palestinian territories. They are tired and fearful — tired of conflict but also of false promises; fearful of each other but more fearful of the future. One year after Annapolis, the bilateral discussions have been detailed and serious, and the Syrian track has been launched. But cynicism and pessimism have grown. Rockets from Gaza land further into Israel. The Israeli restrictions, in particular on food and medicine, cause acute suffering in Gaza.

There are plenty of people ready to say that there can be no two-State solution. I applaud the determination of Secretary Rice not to join them. The Annapolis process has not delivered a Palestinian State but the absence of an Annapolis process would have left us much worse off. Secretary Rice has spoken plainly and powerfully of the stakes, the vision and the

necessary steps. Now we have to follow her and help the parties to take these steps.

The draft resolution before us is significant for its espousal of a comprehensive, just and lasting peace. It emphasizes the importance of the Arab Peace Initiative. The United Kingdom welcomes this emphasis. The responsibility for a resolution of the Middle East conflict does not fall just to Israel and the Palestinians, though they must lead the process. It falls to every State in the region, for the only sustainable peace must be a 23-State solution, not just a two-State solution: 22 Arab States and Israel living side by side in security. We welcome the recent reiteration by the Arab League on behalf of its member States that the Arab world wants formally to end the conflict and establish normal relations with Israel. We believe that the outlines of that peace are clear and can command consensus: recognition and respect from Arab States for Israel and a Palestinian State based on 1967 borders with a just settlement for refugees and Jerusalem the capital of both States, Israel and Palestine.

There will need to be brave decisions on all sides, above all by the bilateral partners in the negotiations. For Israel, this means fulfilling its Road Map commitments, notably on illegal settlement, and improving conditions for Palestinians on the West Bank and in Gaza. For Palestinians, this means finding a way to reunite around negotiations and non-violence. And those who would torpedo the process must know that we are determined not to allow them to succeed. Hamas must end its rocket attacks on Israeli civilians, abandon violence and demonstrate their commitment to the political process by moving towards the Quartet principles.

The United Kingdom welcomes operative paragraph 4 of the draft resolution on the development of Palestinian capacity and the development of the institutions of a Palestinian State. We believe this is vital. The political process and the situation on the ground are inseparable. They need to be mutually reinforcing. Better security forces for the Palestinians does not just mean better lives for them — it means more security for Israel. We applaud the efforts of President Abbas and Prime Minister Fayad to make this a reality and we are determined to play our part in supporting them.

Our role here today is not just to adopt a resolution; it is to challenge all those with an interest in the region to join us in 2009. The perils of inertia are clear: inactivity and confrontation are the recruiting sergeants for extremism from Mogadishu to Manchester. The gains of effective action are the opposite: the reversal of four decades in which the Middle East has been destabilized and the world made less safe. That is why the United Kingdom pledges to do all in its power not just to support this draft resolution, but to progress its implementation.

Mr. He Yafei (China) (*spoke in Chinese*): At a time when the Middle East question is at an important juncture, the holding of this meeting of the Security Council is of paramount importance. Since the Annapolis process was launched in November last year, difficult political negotiations started between Palestine and Israel. The international community has made tireless efforts to promote and push forward the peace process. However, regrettably, the negotiations have failed to achieve major breakthroughs in line with the set timetable. At the present moment, the Middle East situation is not only blessed with opportunities for further improvement, but also confronts a variety of uncertainties and risks. It is the common challenge facing the international community to ensure that that negotiating process forges ahead and achieves substantive progress. We believe that today's Security Council meeting will play a positive role in taking up this common challenge.

China has consistently maintained that the Security Council should play its due role in handling the Middle East question. Under the current circumstances, which support the adoption of a resolution by the Security Council on the question of the Middle East, we welcome the draft resolution submitted by the United States and Russia, which calls for support to Palestine and Israel in pushing forward their political negotiations. It is our consistent view that political negotiations represent the sole viable and correct path towards enduring peace in the Middle East. In these new circumstances, we expect both parties to rapidly build momentum for negotiations. We expect both parties to work on the basis of the relevant United Nations resolutions as well as the principle of land for peace in order to realize at an early date, through negotiation, the prospect of two countries living side by side in peace.

As Secretary-General Ban Ki-moon recently expressed, China, too, expects 2009 to be a harvest year for the Middle East peace process. We are full of

expectations. However, we have also come to realize that the road ahead promises to be tortuous. The most urgent task facing us is to make sure that both parties implement in earnest their respective obligations and refrain from taking any action that might undermine mutual trust or prejudge the outcome of the negotiations. The construction of settlements by Israel in the West Bank and its imposition of embargoes and blockades in Gaza are not conducive to creating an enabling environment for negotiations.

China expresses its deep concern over the humanitarian crisis facing the Palestinian people in the West Bank and Gaza. We call upon the international community to continue to provide a variety of assistance and to actively support Palestine in its capacity-building and in accelerating its economic development.

A lasting peace in the Middle East is by necessity a comprehensive peace. Realizing peace between Syria and Israel as well as between Lebanon and Israel represents an integral part of the Middle East peace process. We expect Syria and Israel as well as Lebanon and Israel to improve their bilateral relations through peace talks while we call upon the international community to beef up its diplomatic efforts in a practical way. The 2002 Arab Peace Initiative has great potential indeed and should be built upon.

The Quartet mechanism plays an important role in promoting a comprehensive settlement of the Middle East question. At the same time, we expect the mechanism to exert greater efforts. We support the Secretary-General's active engagement in the activities of the Quartet. At the same time, we expect the mechanism to strengthen its regular communication and coordination with the Security Council. China is ready and willing to work with the international community in playing a constructive role in seeking a proper settlement of the Middle East question at an early date and realizing a comprehensive, lasting and just peace in the region.

Mr. Ettalhi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I would like to extend my thanks to the President of the Security Council for his initiative to convene this meeting, and I welcome his presence. We would also like to recognize the presence of the ministers and the Secretary-General at this important meeting.

This meeting is being held to consider a draft resolution on the question of Palestine, and we hope that it will represent a reversal of the behaviour of the Council over the past few years. Libya believes that the Security Council should consider and, according to the letter of the Charter, decide this question, which has represented a continuous threat to peace and security for more than six decades.

This problem has been accompanied by tremendous suffering of the Palestinian people and all other peoples of the region. Violations of human rights, unprecedented breaches of international law, remarkable for both their breadth and duration, continue. It was the cause of many wars and has led to a continuous cycle of violence.

Despite all of this, the Council has for years refrained from taking explicit and decisive action on this question. Even in cases in which the Security Council has taken decisions and adopted resolutions, these resolutions have never been implemented due to the lack of genuine political will by some for a just solution that respects international law, rejects aggression and occupation and condemns the oppression of people.

Libya welcomes, on principle, the attempt to adopt a Security Council resolution on the question of Palestine. At the same time, it believes that generalization of the question, deliberate ambiguity and disregard for confronting breaches of international law do not serve peace as much as they hinder it.

The aggressor and occupier could interpret the text as a form of acceptance of its behaviour and policy, which, in turn, reinforces such behaviour. The victims could see this as proof that the international community is not serious, is biased and has double standards, which pushes them to further frustration and despair, with all of the repercussions.

This year, the situation in the region has plumbed unprecedented depths of deterioration on the ground. Since 27 November 2007, the date of the launch of the Annapolis conference, the practices of the Israeli occupiers have continued to escalate. The killing and the detentions have continued, settlement construction has intensified, the siege of the Gaza Strip has worsened and the number of checkpoints and barriers in the West Bank, which make daily life unbearable and normal human activity very difficult, has increased.

Furthermore, the demolition of houses has continued as has the building of the separation wall, most of it on Palestinian territory. In fact, the whole world has witnessed aggression by terrorist and extremist settlers against the Palestinians. This violence has even extended to Arabs within the Green Line.

We have recently heard some statements by Israeli officials that provide us with further proof that behind the settlers' violence, lies, in fact, an official acceptance and encouragement both inside or outside the Green Line. All of these acts constitute explicit breaches and violations of international law, the Road Map requirements and the Annapolis joint understandings.

Does not the statement by the Human Rights Council's rapporteur to the Security Council state that we should move quickly to apply specific criteria protecting the Palestinians who are facing collective punishment by policies that are basically crimes against humanity? Is it not logical and clear that the minimum for reaching a just solution would be to condemn these practices as well as to put an end to them?

Libya is very eager to bring about peace and has worked, and continues to work, for peace and believes that these Israeli practices cannot represent a way to reach peace. We also believe that ignoring and disregarding such practices is an unintended invitation to continue such behaviour.

Mr. Ripert (France) (*spoke in French*): I would like to thank the Secretary-General for his introductory statement.

Our meeting today is, indeed, an event, as we are preparing to adopt a draft resolution on the Israeli-Palestinian question, something which has not happened since May 2004. Throughout these past four-and-a-half years of silence, France has continued to urge the Security Council to play a more active role in the Middle East.

For this reason, we welcome the fact that the Council, which has the mandate to guarantee the maintenance of peace and security, will be able to express itself today. We would like to thank the sponsors of the draft resolution, the last paragraph of which reminds us that the Council will remain seized of the matter, thus opening the way towards its playing a stronger role.

The European Union (EU), of which France holds the Presidency, has just outlined its vision of the peace process in a declaration adopted by the European Council meeting of 11 to 12 December. I quote:

> "The Middle East peace process will remain a top priority for the European Union in 2009. A just, lasting and comprehensive peace is urgently needed. The EU will do all it can both practically and politically to drive the peace process forward next year, working closely with our international partners and in particular in the Quartet, to promote a solution to the Israel/Palestine conflict on the basis of two States, living in peace and security. The EU will also support talks between Israel and Syria and, if possible Lebanon. The European Council welcomes efforts to reinvigorate the Arab Peace Initiative, including the Arab Foreign Ministers' letter to President-elect Barak Obama, as part of a comprehensive approach for a peace between Israel and the whole region. We urge the United States, under its new Administration, to join us in making the Middle East Peace Process an immediate and central priority."

In my national capacity, I would like to underscore a number of points.

First of all, concerning our belief, as reflected in the draft resolution, that the Israeli-Palestinian negotiating process, launched since the Annapolis conference, must be forcefully supported in order to reach a comprehensive peace agreement as soon as possible. This agreement should provide for the establishment of a State of Palestine, including the West Bank and Gaza which is viable, independent, democratic and sovereign, living in peace and security, side by side with Israel, with secure and recognized borders, with Jerusalem as the capital of both States, as the President of the French Republic stated in his address to the Knesset on 23 June 2008.

In this regard, France urgently calls for inter-Palestinian reconciliation. To this end, we support the Egyptian mediation efforts and will support every Government that respects the commitments made by the Palestine Liberation Organization, resolutely supports peace negotiations with Israel and whose

policies and actions reflect the principles of the Quartet.

The second key element is that France, like its partners in the European Union, subscribes to a comprehensive approach towards resolving the Israeli-Arab conflict, as reflected in the draft resolution before us. In this regard, we welcome the Arab Peace Initiative, which we feel provides a solid and relevant basis for peace in the Middle East. It will also make it possible to include the Syrian and Lebanese tracks in our consideration, which strikes us as being essential.

We must now translate into action the opportunity which that Initiative represents by making it operational. To do so, we are ready to work with all concerned actors on a phased approach in order to attain the great objectives of the Initiative. One might thus envisage the implementation by all parties of confidence-building measures, which would make it possible to launch a positive dynamic.

Trust is actually an essential element in this process. Indeed, it has to do with the third element I wish to underscore, which is that rapid and meaningful change on the ground is necessary. The draft resolution thus highlights the importance of respecting the commitments made in the context of the Road Map. In that regard, and while a great deal remains to be done in order for terrorism and violence to cease, one can only recognize and welcome the significant efforts undertaken by the Palestinian Authority in the areas of security, governance and the rule of law, especially in Jenin and Nablus.

We believe that this progress calls for reciprocal gestures from Israel, starting with the issue of land — land for security, peace in exchange for land. As the Council knows, that is one of the foundations of the peace process. As the European Union has done on numerous occasions, France wishes to remind Israel that it is necessary and urgent to put an end to settlement activities, including natural growth and including in East Jerusalem. Any other policy would tarnish the credibility of the negotiators and would adversely affect the outcome of the negotiations, which the draft resolution urges the parties not to do.

Of course, the parties are not alone in bearing responsibilities. It is equally desirable for the international community as a whole to mobilize in support of the Palestinian Authority, as the draft resolution invites it to. France will keep its commitments on this point. It will closely monitor the follow-up to the donors conference for the Palestinian State held in Paris last December in order to enable the Palestinian Authority to strengthen its institutional capacities.

If ultimately there is a message that France wishes to convey on every occasion — even if it is not reflected in the draft resolution submitted to the Council — it is the absolute need for respect for humanitarian law. This unreservedly prohibits terrorist acts that blindly strike civilian populations, such as the attacks and the firing of rockets against Israel. As the Council knows, it also prohibits any form of collective punishment and calls on the parties to a conflict to allow free access to humanitarian aid. These rules must provide guidance in addressing the situation in Gaza. Let us not forget that.

France will support the draft resolution being considered today. We hope that it will allow us to make progress on the difficult road towards peace. In this perspective, we hope that the European Union will stand alongside the parties, in particular through its contribution to the Quartet. Finally, when the time has come, France and the European Union will be ready to contribute, along with the whole of the international community, to the international arrangements from which Israelis and Palestinians hope to benefit in order to guarantee peace.

Mr. Hoang Chi Trung (Viet Nam): On behalf of the Vietnamese delegation, I would like to thank you, Mr. President, for convening this important meeting on the situation in the Middle East. This meeting once again demonstrates our joint commitment to addressing a very important issue of international peace and security, namely the question of Palestine. I also wish to thank Secretary-General Ban Ki-moon for his statement.

The Middle East peace process began 17 years ago in Madrid on the basis of United Nations resolutions and the principle of land for peace. It was launched officially between the Palestinian and Israeli parties 15 years ago in Washington, with the signing of the Oslo Accords, and was revitalized once again with so much hope and so many expectations last November in Annapolis.

Over the last two decades or so, we have seen so much hope and so many expectations, but also so much frustration and despair. In the meantime, the

Palestinians continue to live with so much suffering under the illegal occupation of Israel.

The Middle East peace process now again faces renewed opportunities and challenges. At this critical juncture, my delegation is particularly heartened by the current surge in diplomacy for a peaceful settlement of the question of Palestine. It is amply demonstrated by the continued commitments of both Israel and Palestine to negotiations on final status issues guided by the Annapolis Joint Understanding and the Road Map. We are also witness to the strong support of the international community at a series of international conferences in Paris, Bethlehem, London and Berlin for the development of a viable Palestinian State.

It is also worth noting the tangible progress reached between Israel and relevant parties on matters of mutual concerns, the homegrown efforts undertaken by the Palestinian Authority to proceed with preparations for its statehood, and the proactive mediation efforts of the Quartet, the Leagues of Arab States and regional countries.

There are various favourable developments in the region as well, such as the indirect talks between Syria and Israel, promising steps in the Lebanese-Israeli dialogue and the normalization of relations between Lebanon and Syria, as well as growing stability in Lebanon since the signing of the Doha Agreement.

There are, therefore, enough reasons to be hopeful that these positive developments could eventually crystallize into an enabling environment of mutual trust and peaceful coexistence, in which all nations in the region could share the peace dividends. It would also enable the vision of an independent and viable State of Palestine side by side in harmony with its neighbours to be materialized.

My delegation remains cognizant of the fact that such progress, although doubly prized in light of the difficult situation in the past two years, may have little effect unless it is further consolidated into concrete determination and the commitment of Israel and Palestine to satisfactorily and peacefully address issues of common interests across various political, security, socio-economic, human rights and humanitarian domains. We are fully convinced that all the parties concerned must combine efforts and exert genuine political will to keep the peace process on track and avoid repeating past scenarios where attempts would boost optimism only to lead to another cr letdown.

At this defining moment when the prospect regional peace are growing and hopes for a pe settlement of the Israel-Palestine conflict re-emerged, we urge all parties to exercise restraint and refrain from any step or statement may undermine the peace process and prejudi final status negotiations.

Further concerted efforts should be ma achieve more tangible improvements on the grou the basis of the relevant resolutions of the Se Council, including resolutions 242 (1967), 338 (425 (1978), 1397 (2002) and 1515 (2003), the pri of land for peace, the Madrid terms of refe adopted at the Peace Conference on the Middle the Arab Peace Initiative, the Road Map to M Peace and the Annapolis outcome.

We support the efforts of the United Nation Quartet, the League of Arab States, regional cou and the international community to help reali two-State vision and to reach a just and compreh solution in the Middle East. In this connectio welcome the meeting of the Quartet and the Lea Arab States held yesterday on the compound United Nations. We hope that the coming meeti the Quartet in Moscow will provide greater impe move the Middle East peace process further ahe all tracks.

In conclusion, my country wishes to reaffi unwavering support for a just and compreh solution to the Israeli-Palestinian conflict and f realization by the Palestinian people of inalienable rights, including their right to determination and sovereignty in an independen sovereign State, with East Jerusalem as its capital

Mr. Kumalo (South Africa): We too thank Sir, for organizing this ministerial meeting o situation in the Middle East. We warmly welcom Secretary of State of the United States, the Fo Minister of the Russian Federation, the Fo Secretary of the United Kingdom and the Vice Mi of Foreign Affairs of China who have joined us to

We also wish to express our thanks to the U States of America and the Russian Federatio presenting the draft resolution before us today. worth noting that, if the draft resolution is adopt

will be the first time in nearly five years that the Council has substantively pronounced itself on the Middle East.

The draft resolution recalls two important decisions. The first dates back to 7 May 2003, when former Secretary-General Kofi Annan sent a letter to the Security Council transmitting a text of the Quartet entitled "A performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict". The Road Map stated:

> "A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. The settlement will resolve the Israel-Palestinian conflict, and end the occupation that began in 1967, based on the foundations of the Madrid Conference [and] the principle of land for peace" (*S/2003/529, annex, p. 2*).

The Road Map continued:

> "This initiative is a vital element of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks." (*Ibid.*)

The second decision before us today was taken at a meeting held on 27 November 2007 in Annapolis, Maryland. United States President George W. Bush summed up the outcome in a joint understanding between the parties that stated:

> "We express our determination to bring an end to bloodshed, suffering and decades of conflict between our peoples; to usher in a new era of peace, based on freedom, security, justice, dignity, respect and mutual recognition; to propagate a culture of peace and non-violence; to confront terrorism and incitement, whether committed by Palestinians or Israelis. In furtherance of the goal of two States, Israel and Palestine, living side by side in peace and security, we agree to immediately launch good-faith bilateral negotiations in order to conclude a peace treaty, resolving all outstanding issues, including all core issues without exception, as specified in previous agreements."

Our concern is that, since the Quartet declaration five years ago, the situation in the Middle East, particularly in Palestine, has not improved. Instead, the illegal occupation of Palestine that began in 1967 has intensified. Palestinians continue to face hardships compounded by the financial embargo, the expansion of Israeli settlements and the building of the illegal separation wall, as well as by restrictions on movement and access, which are interrupted by more than 600 roadblocks. Twelve months after the Annapolis meeting, political negotiations have not produced any tangible results.

The draft resolution before us is not perfect, because it ignores many significant issues that the Council must address. These include the continuing illegal settlement activity in the Palestinian territories, including Jerusalem. In Hebron, Israeli settlers have attacked Palestinian homes and farms. Violence against Palestinian and Israeli civilians has not ended. Yet, my delegation will support this draft resolution, because it recommits the parties to the obligations to which they have previously agreed. We continue to encourage both Israelis and Palestinians to persist with negotiations to achieve the goal of a viable Palestinian State with East Jerusalem as its capital.

If adopted, this draft resolution will face two crucial tests. The first will be whether the parties will implement its provisions, and the second will be whether the Council will ensure that its resolutions are implemented. If this draft resolution were to be ignored, that would further erode the credibility of the Council.

We also hope that the 2002 Arab Peace Initiative, whose importance is noted in the draft resolution, will be taken as a serious contribution to bringing about peace in the Middle East. The Arab Initiative spells out even clearer and more specific affirmations expected of both Israel and the Arab countries.

The Arab Initiative calls upon Israel to affirm the following: a full Israeli withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights, to the lines of 4 June 1967, as well as from the remaining occupied Lebanese territories in the South of Lebanon; the achievement of a just solution to the Palestinian refugee problem, to be agreed upon in accordance with General Assembly resolution 194 (III); and acceptance of the establishment of a sovereign independent Palestinian State on the Palestinian territories occupied since 4 June 1967 in the West Bank and Gaza Strip, with East Jerusalem as

its capital. Consequently, the Arab countries affirm that they will consider the Arab-Israeli conflict ended, enter into a peace agreement with Israel and provide security for all States in the region, and establish normal relations with Israel in the context of a comprehensive peace.

The Palestinian people have now been homeless for 60 years. Generation upon generation of Palestinian children have never had a home other than the ghettos and camps that they have occupied throughout the world. Those Palestinians who stayed behind have had to endure 40 years of illegal occupation with its untold miseries. In the Gaza Strip, hundreds of thousands of Palestinians live under a complete blockade, with bare essentials that keep them alive for yet another day.

For the past few months, my delegation has recommended that the Council invite Mr. Tony Blair, Quartet Representative and former Prime Minister of the United Kingdom, to brief the Security Council about his efforts in the occupied areas. Although we will soon leave the Council, we hope that Mr. Blair will still accept its invitation and come early in the new year. It is important that the Council hear first-hand about the suffering of the Palestinian people. Perhaps that will inspire the Council to adopt a comprehensive draft resolution next time. For now, the draft resolution before us will have to suffice.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): My delegation welcomes your presence, Sir, here in New York to preside over this important meeting. My delegation also thanks the Secretary-General for his statement and welcomes the Ministers for Foreign Affairs of the United States, the Russian Federation and the United Kingdom, as well as the Vice Minister for Foreign Affairs of China and the Deputy Secretary-General.

Costa Rica welcomes any initiative to promote peace in the Middle East. However, we are equally convinced that the proliferation of efforts to that end does not absolve the Security Council of its responsibility for the maintenance of international peace and security. While we value the work of the Quartet, it is also certain that most Members of the Organization have received little information on its work. Along with other delegations, in particular that of South Africa, we have repeatedly asked the Quartet to inform the Council of its actions with the aim of complementing efforts, as we have supported more robust action on the part of the Security Council instead of the marginal role it has played in recent years.

A draft resolution has been submitted to us for adoption at the outcome of this meeting. We shall support the draft resolution, in spite of the fact that we would have preferred it to include, in particular, a reference to the tragic humanitarian situation in Gaza caused by a response that, in our opinion, has been disproportionate to the terrorist attacks carried out against Israeli territory. We would also have preferred to have held a thorough discussion of the text and regret that it was not possible. However, we believe that the Council's action on the Middle East, which we have urged throughout the year, is highly positive.

My delegation is convinced that there is a close relationship between the political prospects for peace and the socio-economic and humanitarian situation on the ground. The Council cannot ignore that relationship. The many actions contravening the Council's resolutions and the Road Map hinder progress, as do calls for the elimination of the State of Israel. My delegation considers it absolutely unacceptable that Members of this Organization should refer to others by denying their existence as a State and threatening their right to exist.

Costa Rica is concerned by what we hear almost every day from such entities of the United Nations system as the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the Office for the Coordination of Humanitarian Affairs, the Office of the Special Coordinator for the Middle East Peace Process, the International Committee of the Red Cross and the World Bank.

Since April 2008, the number of obstacles impeding the movement of Palestinians in the West Bank has grown. The number of illegal settlements has also increased significantly since the Annapolis conference. The efforts of Prime Minister Salam Fayyad and of the Special Envoy of the Quartet to promote economic prosperity in the Palestinian territory and to improve the standard of living of the population will not succeed unless the downward trend is reversed.

For all of those reasons, Costa Rica would have preferred a draft resolution that identified the core issues of the conflict by name. We hope that, at some point in the future, the Council will analyse and

pronounce itself on the parties' compliance with their obligations under the Road Map, Security Council resolutions and international law, in particular international humanitarian and human rights law.

My delegation supports today's initiative in the hope that it will provide a new impetus to the peace process in order to achieve the definitive, specific, verifiable and sustainable agreements by 2009 that eluded us in 2008 and which will lead to the peace that has eluded the Palestinians and Israelis for six decades.

For my delegation, the comments made by the President of the Council of 5 December represents a step forward in the Council's actions with regard to the specific issues of the Israeli-Palestinian conflict that undermine the credibility of the parties in the peace process. However, we believe it necessary for the Council to take further action in the form of a decision, which is more than an oral statement, to lend new momentum to the peace process and to address the hurdles that have prevented the bilateral negotiating processes from bearing fruit.

Finally, we welcome the two initiatives taken this month and we foster the hope that they herald a change in the prevailing practice that will enable the Council to pronounce itself in a timely manner with respect to events on the ground, as is the case for the other situations of which the Council is seized.

Mr. Kafando (Burkina Faso) (*spoke in French*): My delegation would like to thank you, Sir, for organizing and presiding over today's meeting. The presence of ministers and the Secretary-General, whom we respectfully welcome, attests to its importance.

It has been said that the situation in the Middle East, in particular the Israeli-Palestinian question, is certainly one of the most complex and one of the most paradoxical items on the agenda. It is a paradox because, despite the unanimous view that a lasting solution must be found, the parties and the international community are finding it difficult to identify a political solution that is acceptable to everyone.

As has been recalled in the Council, several initiatives have been taken to that end, including the 2002 Arab Peace Initiative which is still awaiting full implementation. Much hope was therefore placed in the Annapolis conference, and the agreements reached there laid a solid foundation for a timely and satisfactory solution to the conflict. In assessing the outcome, it must be acknowledged once again that we are far from having reached the goals set at Annapolis, although there has been no lack of follow-up action in support of the process. The December 2007 Paris donor conference and the initiatives of Egypt and Yemen can be cited in that regard.

Regrettably, real obstacles still block the road to peace, including the ongoing Israeli settlement policies in occupied Palestinian territories, an embargo on Gaza that has led to a disturbing humanitarian tragedy and the firing of rockets by Hamas into Israel, among others. For all those reasons, my delegation supports the Security Council's initiative to send a message of encouragement and support to the parties that calls on them to keep alive and well the spirit of the Annapolis peace process by working to establish a State of Palestine side by side and at peace with Israel.

To that end, we urge the parties to continue their frank dialogue and to make bold concessions in order to settle pending issues. They must also strengthen confidence-building measures and continue to respect the truce between Hamas and Israel. All initiatives, including those of the Quartet, to help the parties to overcome their differences, should be encouraged, in particular those aimed at strengthening Palestinian unity and providing assistance to Palestinian refugees. The Security Council itself has an important part to play, and it must play it fully. First of all, it must take all the steps that it can under the Charter in order to ensure that its resolutions on the matter are implemented.

The vision of a State of Palestine living side by side with Israel in complete peace and security is not utopian, nor is it a negation of Israeli security. Rather, it would ensure a just and lasting peace in the Middle East. Burkina Faso believes in this idea quite sincerely and would urge the parties and all the actors concerned to work to achieve this legitimate goal.

In Annapolis, great hope was born on the road to settling the Israeli-Palestinian conflict, because we and the parties are aware that the Annapolis process is one of the best opportunities to date to resolve the dispute. Given the purpose of the present debate, which is to press negotiations begun in Annapolis in order to make them irreversible, we support the draft resolution that has been put to us to that end.

Mr. Natalegawa (Indonesia): There is perhaps no international issue more important to my country, Indonesia, and closer to our hearts than the effort to find a peaceful, just, lasting and comprehensive settlement to the Israeli-Palestinian conflict and to bring to an end the occupation that began in 1967.

We have therefore consistently supported efforts to achieve such a settlement based on all relevant Security Council resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the Madrid terms of reference and the principle of land for peace. Thus, we have lauded the commitment of the parties under the Annapolis peace process. We have recognized the vital role that the Quartet has been playing in the promotion of solutions to the conflict in the Middle East acceptable to all parties. And not least, we have been persistent in recognizing the contributions of countries in the region and of the League of Arab States to the Middle East peace efforts, including through the 2002 Arab Peace Initiative.

Unfortunately, the Security Council's recent record on the issue has been less than sterling. Notwithstanding the regular monthly meetings on the issue when the situation on the ground demands it, time and again, the Council has been unable to pronounce itself collectively and with a single voice. The Council's silence on the situation in the Middle East, including Palestine, has been deafening.

Today provides a welcome change. Our meeting today provides positive encouragement to all the parties to continue and redouble their efforts to engage in vigorous, ongoing and continuous negotiations and to make every effort to achieve a meaningful and result-oriented outcome. In this connection, the draft resolution before the Council today makes clear the need for the parties to refrain from any steps that could undermine confidence or prejudice the outcome of those negotiations. Thus, it is imperative that the Egyptian-brokered cessation of hostilities in the Gaza Strip and southern Israel be maintained.

Above all, it is essential that Israel immediately lift the closure of the Gaza crossings. The civilian population in the Gaza Strip is enduring hardships and difficulties that are unacceptable. Their plight must be urgently addressed. Not least, Israel must immediately end its illegal settlement activities in the West Bank, including East Jerusalem. Indeed, the challenge is to find a way to ensure that there is no gap between the peace efforts and the situation on the ground. ... peace efforts consolidate and gather pace, there ... be commensurate positive developments on the g... The dividends of peace must be felt.

This perspective is the right one, not ... because there has been too much sufferin... sacrifice, but also because improvements i... situation on the ground will, in turn, reinfor... momentum in the negotiations. We need to tra... the all-too-familiar cycle of escalating violence ... virtuous cycle of dialogue, reconciliation ... cooperation. In this regard, we attach great impo... to international efforts to develop and stre... Palestine's national institutions, as is recognized ... draft resolution before the Council today.

A truly comprehensive and lasting peace ... Middle East requires a solution not only to the c... between Israel and Palestine, but also on the ... Lebanon and Israel-Syria tracks. On the Israel-Le... track, much remains to be done to realize the goa... permanent ceasefire and a long-term soluti... envisioned by Security Council resolution 1701 (... Negotiations on the Israel-Syria track have long ... inactive. However, signs of reinvigoration th... indirect talks are discernible. Indonesia wish... underscore that a comprehensive peace in the M... East requires progress on those tracks based ... relevant resolutions of the Security Council.

The Council's coming together today cou... be more timely. We believe that this meeting a... outcome offer the potential to consolidate the ... process and indeed provide a platform for f... progress. Not least, it signals that the Council, ... again, is shouldering its Charter-mand... responsibilities. The Security Council must and ... can exert a positive influence on the Middle East ... process.

Mr. Arias (Panama) (*spoke in Spa...*): Mr. President, first and foremost, I would like to ... you for your presence today in the Security C... and, in turn, would like to thank the Deputy Secr... General and the Secretary of State of the United S... the Minister for Foreign Affairs of the Ru... Federation, the Secretary of State for Foreign ... Commonwealth Affairs of the United Kingdom ... the Vice Minister for Foreign Affairs of China.

Panama welcomes the convening of this m... to consider the joint United States-Russian Fede...

initiative of submitting for the consideration of this Council a draft resolution on the situation in the Middle East. Two days from now, the Security Council will hold an open debate on this same subject. Therefore, on this occasion, we shall limit ourselves to commenting on the draft resolution before the Council.

At first glance, the text under consideration appears lacking in substance. However, a closer reading of the text shows that it sets forth with sufficient accuracy the various issues that are part of this conflict. The references to previous Security Council resolutions on the subject, to the obligation of the parties to comply with the provisions of the Road Map, to the importance of the Arab Peace Initiative and to the ongoing bilateral negotiations process between Israelis and Palestinians that began in Annapolis are a reflection of this Council's support for the peace process in the Middle East, as well as for the objectives of the Council that must be met, namely an end to Israeli occupation of all Arab territories held since 1967, including the Syrian Golan, and the establishment of a sovereign, independent and viable Palestinian State, living in peace and security with its neighbours, and in particular with Israel.

For Panama, the principal objective of this draft resolution is to provide an impetus for the peace process in the Middle East. Our delegation is of the view that the text under consideration meets that objective. Therefore, we shall be voting in favour of this text.

Mr. Grauls (Belgium) (*spoke in French*): I would begin by expressing our appreciation to Secretary of State Rice and Foreign Minister Lavrov for this welcome American-Russian initiative that will enable us to end this meeting by adopting a resolution on the Israeli-Palestinian conflict.

Speaking up once again after a long silence and, we hope, in one voice, the Security Council is reminding the peoples concerned that the international community as a whole remains concerned about their fate. In recalling in its draft resolution the guidelines for the bilateral negotiations under way, the Council is reconfirming its responsibility to support the process until the goal shared by all — the end of the conflict and the establishment of an independent, democratic and viable Palestinian State in East Jerusalem, the West Bank and Gaza, living side by side with Israel in peace and security within secure and recognized borders — is reached.

Today, 13 months after the Annapolis conference, for the first time in eight years there is sufficient momentum to reach the peace agreement awaited for more than 60 years. Maintaining that momentum and the future of the two-State solution continues to require our attention and commitment on several levels.

First, the intensified bilateral negotiations pursued by the Israelis and Palestinians bear witness to considerable political investment on the part of the parties, particularly in their resistance of the repeated attempts of extremists on both sides to derail the negotiations. We can only welcome the confirmation by the parties themselves that that this political dynamic is now irreversible. More than ever before, the negotiations need full domestic and international support, regardless of the outcome of the period of political transition now under way.

At the domestic level, support for the negotiation process will require above all concrete and visible improvements in the situation on the ground. In the West Bank, recent progress in the economic and, above all, security fields demonstrates the benefits of the political programme of Prime Minister Salam Fayyad, as well as the mutual benefits of increased cooperation on the part of the Israeli authorities. Alongside the release of Palestinian prisoners, these results strengthen mutual confidence and point to the road to be followed; they should encourage Palestinians and Israelis alike to step up their efforts to meet their obligations.

Recent events have made such progress all the more urgent. In the West Bank and East Jerusalem, ongoing Israeli settlement activity is alarming. Belgium notes that the continued settlement activity has been unanimously condemned because it is clearly and completely contraindicated by the stated desire to establish the mutual confidence necessary to the peace process. Above all, however, it is illegal and jeopardizes the establishment of a viable Palestinian State. The violence deliberately committed by extremist settlers against Israeli law enforcement agencies and, above all, against Palestinian civilians strengthens our concerns even furthers. We therefore call on the Israeli authorities to freeze settlement activity forthwith and to ensure that the violence does not go unpunished.

After five months of calm and hope in the Gaza Strip, the humanitarian situation of its population continues to deteriorate and is now catastrophic. Rockets are again being fired into southern Israel, and there is a real danger that the violent downward spiral may resume, with civilians, as always, the primary victims. Belgium therefore calls on all actors, and Hamas in particular, to work urgently to prolong the truce in order to ensure the critical normalization of the security, humanitarian, economic and political situations to which the populations involved legitimately aspire. In that context, we join the Quartet in supporting the efforts of Egypt to achieve inter-Palestinian reconciliation and the release of Corporal Shalit.

At the international level, the past year has seen a remarkable intensification of the international and regional support that was already manifest in the largely positive response to the Annapolis meeting. Belgium and its European partners contributed their political and economic support for the Palestinian Authority at the meetings in Paris, London, Berlin and Bethlehem. Through the European Union, we also participated in the Quartet, whose five summit meetings in one year reflect greater political commitment. Belgium supports a broader role for the Quartet in following up the parties' implementation of their commitments. We also welcome the regular involvement in its meetings of members of the Follow-up Committee on the Arab Peace Initiative.

Desirous of greater international involvement in that promising yet fragile process, Belgium will vote in favour of the draft resolution prepared by the United States and Russia.

Mr. Mantovani (Italy): I thank you, Sir, for convening this ministerial meeting of the Security Council. I also wish to thank Secretary-General Ban Ki-moon for his introductory remarks and to acknowledge the presence of the Deputy Secretary-General.

At the outset, I wish to express my Government's support for the draft resolution prepared by the United States of America and the Russian Federation.

The Israeli-Palestinian negotiations are now entering a delicate phase. We respect the will of both sides to keep them confidential, and we support their resolve, as shown during their meeting with the Quartet in Sharm el-Sheikh, to continue responsibly, despite the existing difficulties. It is absolutely essential that a comprehensive agreement be reached in the form of a peace treaty to be implemented without further negotiation.

We are aware that there are still considerable gaps between the parties' positions on a number of core issues, but we believe that, now more than ever, the Israelis and the Palestinians need clear and specific solutions, not vague principles that can lead to future disputes. The Road Map and the Annapolis conference have given us the means to continue along the path we have taken, and we are convinced that the ongoing political process must become irreversible. It is essential for the Quartet to play a more incisive role in monitoring the implementation of the parties' commitments on the ground.

Against that backdrop, Italy remains convinced that the European Union, in reiterating the need to leave the primary responsibility for the conduct of the negotiations to the parties, will not hesitate to offer its support for the implementation of a final peace agreement at the appropriate time. At the same time, we believe it fundamental to continue to contribute to strengthening the Palestinian institutions and to building their capacities through the promotion of economic development and institutional and security sector reform. Israel's security and a just conclusion of the peace process based on the two-State solution can be assured only by a future Palestinian State with sound institutions that operate in accordance with the rule of law and good governance.

We believe that the solution of the Israeli-Palestinian conflict remains a high priority in the fragile regional framework, but it is equally important to support and promote a constructive approach by all the States of the region to every track of the peace process. We welcome and encourage the involvement of the League of Arab States and its members in support of the Palestinian Authority and of President Abbas, both economically and politically. In that context, the Arab League's Peace Initiative has great potential, which should be exploited and developed in coordination with all the stakeholders.

We are concerned by the deterioration of the humanitarian situation in the Gaza Strip and the ongoing violence in the areas bordering Israel. It is urgent that calm be restored and maintained and that the border crossings be reopened to allow the people to

have access to goods and services. The acceleration in the building of settlements and the episodes of settler violence against Israeli officers and Palestinian civilians in recent days are a cause of further concern.

We welcome the courageous decision of the Israeli authorities to prevent further violence and to evacuate the illegal settlements. We encourage Israel to continue along that path in the shared awareness that the expansion of settlements, particularly in East Jerusalem, does not facilitate dialogue, but instead undermines the credibility of Palestinian negotiators in the eyes of public opinion.

The President: It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Belgium, Burkina Faso, China, Costa Rica, Croatia, France, Indonesia, Italy, Panama, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam

Against:

None

Abstaining:

Libyan Arab Jamahiriya

The President: There were 13 votes in favour, none against and 1 abstention. The draft resolution has been adopted as resolution 1850 (2008).

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item.

The meeting rose at 12.55 p.m.